YORK FACTORY

land entitlement & land exchange study

March 1986

Prepared for the York Factory Indian Band, York Landing, Manitoba
by Hilderman Witty Crosby Hanna & Associates, Winnipeg, Manitoba

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HILDERMAN WITTY CROSBY HANNA AND ASSOCIATES

TABLE OF CONTENTS

1.	INTRODUCTION	1
	1.1 Study Purpose	4
	1.2 Northern Flood Agreement	6
	1.3 Treaty Land Entitlement	11
	1.4 Study Process	18
2.	OBJECTIVES FOR LAND SELECTION	24
	2.1 Resource Area/Trapping Area	24
	2.2 Hold Areas	24
	2.3 Land Parcels	26
3.	EXISTING USE	31
	3.1 Land Ownership/Jurisdiction	31
	3.2 Transportation	37
	3.3 Settlements	40
	3.4 Oil Exploration	41
	3.5 Hydro Development	42
	3.6 York Factory National Historic Site	42
	3.7 Tourist Operators	43
4.	RESOURCE ANALYSIS	45
	4.1 Regional Physiography	46
	4.2 Geology and Minerals	52
	4.3 Timber	55
	4.4 Agriculture	60
	4.5 Fish	61
	4.6 Wildlife	68
	4.7 Development Capability	75
5.	LAND SELECTIONS	78
	5.1 Resource Area	78
	5.2 Hold Areas	86
	5.3 Land Parcels	92
6.	IMPLEMENTATION	132
	6.1 Resource Area/Trapping Area	132
	6.2 Hold Areas	133
	6.3 Land Exchange/Land Entitlement	138
	APPENDICIES	
	Appendix A - Terms of Reference	149
	Appendix B - References	151

LIST OF TABLES

I	York Factory Band Potential Reserve Land Sites	29
II	Factors of Importance in Selecting Reserve Land	30
III	Climatic Characteristics of Land Regions in the Study Area	50
IV	Selected Biophysical Characteristics of Land Regions in the Study Area	51
V	Potential Sport Fishing Lakes	63
VI	Commercial Fishing Lakes	67
VII	Fur Crop Census - Limestone, Shamattawa, York-Koska RTL	73
VIII	York Factory Land Entitlement & Land Exchange Areas	93

LIST OF FIGURES

1.	Nelson River Project	2
2.	Study Process	20
3.	Study Area	21
4.	Existing Land Use	32
5.	Split Lake Hold Area and Land Exchange Areas	34
6.	Physiographic Regions/Land Regions	49
7.	Sand and Gravel Deposits	54
8.	Merchantable Timber & Recent Fires	57
9.	Forest Capability	59
10.	Fisheries Resoruces	64
11.	RTL Boundaries before 1952-1954	80
12.	RTL Boundaries 1954-1972	81
13.	RTL Boundaries 1973-1985	82
14.	Proposed Trapping Area & Hold Areas	84
15.	Land Parcel Selections	94
16.	Site 1 - York Landing	114
17.	Site 2 - Ten Shilling Creek	115
18.	Site 3 - French Creek	116
19.	Site 4A - York Factory	117
20.	Site 4B - York Factory	118
21.	Sites 4C, 4D, 4E - York Factory	119
22.	Site 5 - Port Nelson	120
23.	Site 6 - Little Limestone Lake	121
24.	Site 7 - Atkinson Lake	122
25.	Site 8 - Hayes/Pennycutaway River	123
26.	Site 9 - Hayes/Gods Rivers	124
27.	Site 10 - Hayes/Fox Rivers	125
28.	Site 11 - Kettle Lake	126
29.	Site 12 - Curtis Lake	127
30.	Sites 13 & 14 - Dafoe Lake, Gunn Lake	128
31.	Site 15 - Joy Lake	129
32.	Site 16 - Diana Lake	130
33.	Site 17 - War Lake	131
34.	Steps leading to Federal Order In-Council	142
35.	Saskatchewan Land Entitlement Review Process	144

Introduction

Chief and Councillors Elect, York Factory, 1910. Manitoba Archives Photo.

1. Introduction

Northern Manitoba has undergone considerable development impact during the past twenty (20) years, including mining and timber industries of an international magnitude. This development has initiated associated townsite and road development and concomitant services, all of which have impacted upon the lifestyle and values of northern native residents particularly those living in previously remote settlements. While such impacts have contributed to detrimental effects upon the northern native settlements, it was with hydro electric development that major irreparable impacts occurred upon these northern people, their environment and lifestyle.

In 1966, Canada, Manitoba and Manitoba Hydro agreed to proceed with Manitoba's most massive resource development - the Nelson River hydro-electric development, diversion of the Churchill River and regulation of Lake Winnipeg (Figure 1). Although this scheme involved the largest river diversion ever attempted in North America, little consideration of any kind was given to the serious impacts that the program might have upon the northern environment and local people. As a result of lack of consultation with and consideration of Indian people, the native communities joined forces forming the Northern Flood Committee to protect their interests. Subsequently after much effort, the affected Indian Bands were able to establish that detrimental impacts would occur as a result of the Hydro project and that their agreement would be required prior to the flooding of Indian Reserve land. As a consequence, the Northern Flood Agreement was signed by the Northern Flood Committee, Canada, Manitoba and Manitoba Hydro in 1977. The Northern Flood Agreement sets out objectives of the various parties, including compensation for affected Reserve lands, and the need to provide the Bands with new land areas in exchange for affected lands.

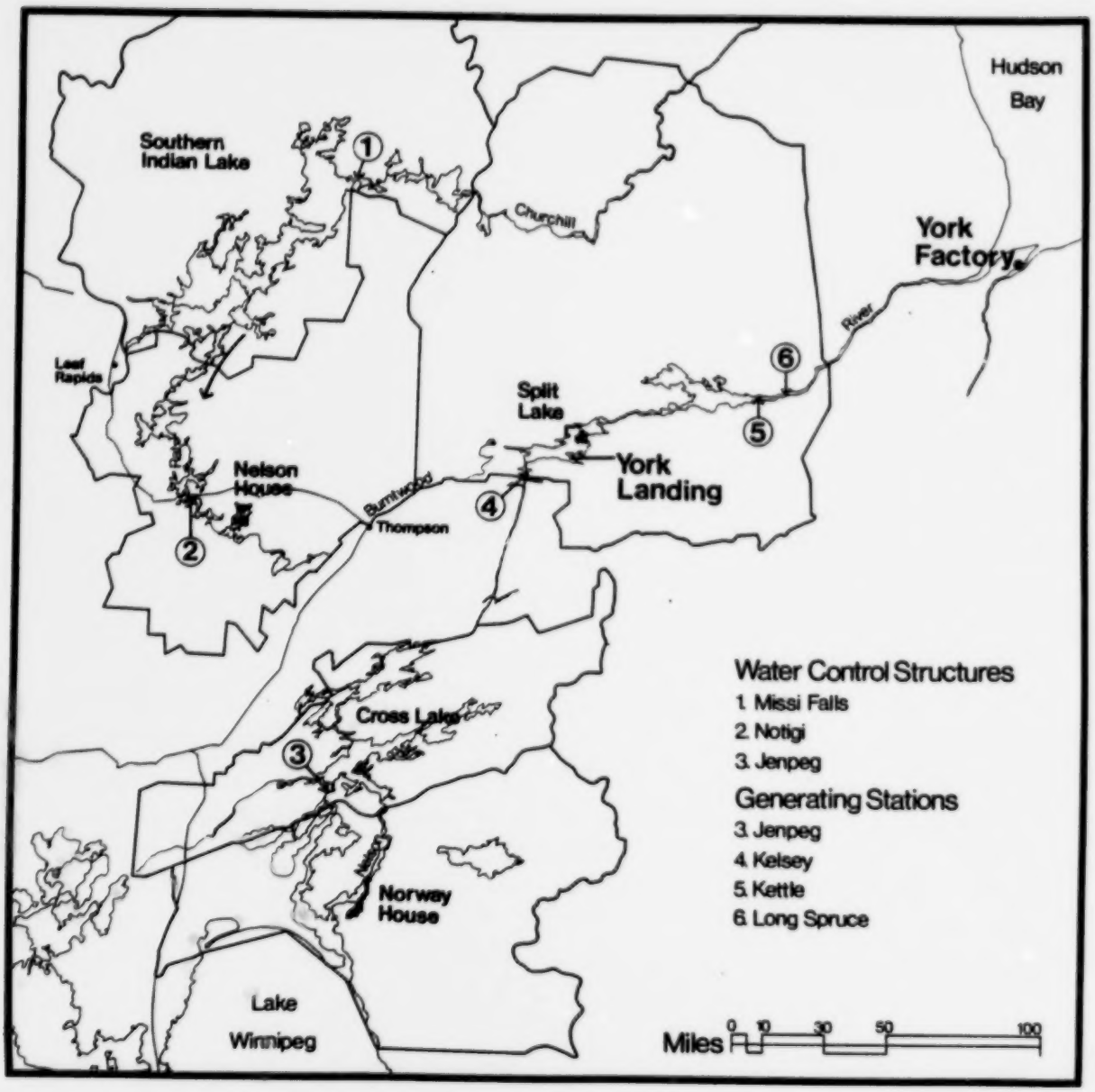


Figure 1
Lake Winnipeg Regulation & the Churchill River Diversion Project

In 1982, four of the NFC Bands: Cross Lake, Nelson House, Norway House and Split Lake undertook a comprehensive study to identify land exchange and hold areas as set out in Articles 3 and 4 of the Northern Flood Agreement. In the final report of this study, entitled "NFC Land Exchange and Land Use Study" (Hilderman Witty Crosby Hanna & Associates, 1983) specific land exchange and hold areas were proposed for each community.

Due to unresolved reserve boundary delineation at York Landing, the York Factory Indian Band did not wish to participate in the study program. The York Factory Band felt that the delineation of their reserve boundary must first be resolved before land exchange acreage could be determined and areas selected. Even so, the Split Lake Band, located nearby, did recognize the need for a York Factory Hold Area in the Split Lake Trapping Block and subsequently undertook identification of their own hold areas with due regard to York Factory. Preliminary information was collected for the York Factory Band and was presented separately to the Northern Flood Committee.

In July 1984, the York Factory Band requested Hilderman Witty Crosby Hanna & Associates to submit a proposal to undertake a land exchange and land use study for them. During subsequent discussions about the purpose and terms of this study, it was agreed that the study would also examine land to be selected through the Band's unfulfilled Treaty Land Entitlement. The proposal (Appendix A) was accepted by the Band and served as terms of reference for the study. Financial assistance was provided through the Manitoba Resource Development Impacts Office of the Department of Indian Affairs. Upon notification from the Band in July 1985, work on the land use study commenced.

1.1 STUDY PURPOSE

1.1.1 Land Exchange and Hold Areas

The Northern Flood Agreement sets out a number of requirements which bind the four parties (Northern Flood Committee, Manitoba Hydro, Province of Manitoba and Canada) to specific action as outlined in the 25 articles and 8 schedules in the Agreement. The parties to the NFA are required to undertake certain measures, including the delineation of land exchange areas and hold areas as described in Articles 3 and 4 of the Agreement.

This study addresses the specific requirements of Articles 3 and 4. The study was undertaken to determine suitable land exchange areas and recommend hold areas and land selection areas on the basis of community discussion, resource analysis and professional opinion. Such land exchange areas are meant to partially compensate Bands for reserve lands affected by Manitoba Hydro easement requirements. Hold areas and subsequent exclusive use areas within hold areas were to provide affected Bands with a potential economic land base outside of the Reserve area.

The study, then, was undertaken to:

(1) Recommend specific parcels of land for land exchange and subsequent reserve designation; and

(2) Outline hold areas and land use plans for these hold areas for each of the affected Bands.

1.1.2 Resource Area/Trapping Area

At several points, the Northern Flood Agreement makes reference to the Bands' "resource areas", "traditional use area" and "trapline zone". As defined in the Agreement, the resource area includes both of the latter two areas. The Agreement grants the Bands special rights and privileges within these areas particularly in relation to the management and use of wildlife resources.

The Resource Areas of the other four NFC communities are strongly associated with their registered trapline sections (RTL) or trapping zones. The York Factory Band does not currently have its own registered trapline section but is resident within the Split Lake RTL. The York Factory Band's lack of a trapline zone is restricting their ability to fully participate in the Northern Flood Agreement particularly in areas of wildlife policy.

Another purpose for this study is therefore to identify the Band's resource area and propose a trapline zone for purposes of the Agreement.

1.1.3 Treaty Land Entitlement

The York Factory Band signed Treaty #5 in 1910 at York Factory. One of the requirements of this treaty was that lands would be set aside as Indian Reserve for the exclusive use of the Band. Treaty #5 entitled the Band to 160 acres of Reserve land per family of five, or 32 acres per person. The York Factory Band apparently did not select any land following the signing of the Treaty and the Reserve land was never set aside.

Some sixty years after signing treaty, the York Factory Band initiated discussion with Manitoba and Canada to establish a Reserve at York Landing. While these negotiations led to the delineation and survey of a reserve at York Landing in 1970, the land was never transferred from the Province to Canada. The major reason for the lack of transfer was planned hydro development on the Nelson River and the anticipated flooding of the proposed reserve lands. While transfer negotiations resumed several years later, at the time of writing of this report no land has been transferred to form a Reserve for the York Factory Band.

The York Factory Band wishes to resolve this outstanding issue and acquire the lands to which they are entitled. They have decided that selection of treaty lands should be based on a comprehensive study of Band needs and site potential. As the process for identifying these lands would be similar to that to be followed for land exchange areas, the Band decided that these should be undertaken simultaneously.

The fourth goal of this study is therefore to identify specific parcels of land for treaty land entitlement selection.

1.2 NORTHERN FLOOD AGREEMENT

The Northern Flood Agreement, a four party agreement formalized between the Northern Flood Committee, Canada, Province of Manitoba and Manitoba Hydro was signed in December 1977 as a result of major impacts caused or expected to be caused by the Lake Winnipeg Regulation and Churchill River Diversion Project. The NFA sets out a series of Articles and Schedules which define the parameters within which this project could be developed

and appropriate compensation provided to those Bands directly affected by the project. The Agreement states that:

> "As a result of the modifications of the water regime, adverse effects have occured, and may continue to occur, on the lands, pursuits, activities and lifestyles, of the residents, individually and collectively, of the Reserves of Cross Lake, Nelson House, Norway House, Split Lake and York Landing ("the Reserves" as hereinafter defined);
>
> The parties wish to ensure that all persons as defined herein, who may be, or have been, directly or indirectly, adversely affected by the Project shall be dealt with fairly and equitably; and
>
> Canada and Manitoba acknowledge the need to set forth the principles on which compensation will be based in respect of those matters set forth in this Agreement." (Northern Flood Agreement, page 2)

This particular study examines three items as set out in the Agreement: land exchange areas (Article 3), hold areas (Article 4) and the resoruce area.

1.2.1 Article 3: Land Exchange

The NFA addresses the need to compensate Bands for lost use of reserve lands affected by Manitoba Hydro water regime manipulation. Article 3 sets out the basis for such compensation by permitting the acquisition of substitute unencumbered Crown Lands. For instance, the Agreement states that:

> "Any Band whose Reserve lands are affected ("Affected Band") shall be compensated by Manitoba granting to Her Majesty the Queen in right of Canada, for the use and benefit of the affected Band, an area of land equal to not less than four (4) acres for every acre of affected lands (as herein defined), free and clear of any encumbrances. . .

> The land granted in compensation shall be selected from unallocated, unencumbered and unoccupied land, owned by Her Majesty the Queen in right of the Province of Manitoba, in the area commonly used and enjoyed by the community in the exercise of its traditoinal pursuits, and land selected shall not necessarily be contiguous with a Reserve". (Northern Flood Agreement, page 13)

As a result, each affected Band is entitled to new reserve land on a 4 to 1 basis for every acre below a predetermined easement. The resulting new reserve land carries all of the rights and obligations of the original affected reserve lands. The easement or severance line is established by Articles 3.6, 3.7 and 3.8. The easement areas and subsequent severance line have been determined separately. The area designated as the easement area is based upon the hydrological calculations of increased water levels, shoreline erosion, wind set up and Manitoba Hydro water control considerations. The easement area does not include a transfer of title but rather establishes a specific conditional right of use to Manitoba Hydro for water regulation purposes.

While the Reserve has not been formally established at York Landing, it is assumed to exist for the purposes of the Northern Flood Agreement. Article 2.5 of the Agreement states:

> "The parties agree that the area and boundaries of the Reserve of the York Factory Band at York Landing have not been ascertained at the date of this Agreement. Notwishstanding anything to the contrary contained in this Agreement, neither the said Band nor any member thereof shall be prejudiced by virtue thereof, in respect of any claim".

Thus, the area of exchange land which will be owing to the Band depends on the location and size of lands selected by the York Factory Band through Treaty Land Entitlement. Based on their selection of 2,200 acres at York Landing, the Band is due to receive 1,156 acres (468 ha) of land in exchange for an estimated 289 acres (117 ha) of land affected by the hydro easement. Should the Band select additional treaty land at York Landing or at another location which is subject to the hydro easement, then, the eventual area of Article 3 exchange lands would be higher.

Further, as agreement has not yet been reached on the final location of the NFA severance lines, the exact quantity of exchange land deriving from the hydro easement at York Landing is unknown.

1.2.2 Article 4: Hold Areas

Article 4 "Land Use" of the NFA describes the intent of hold areas.

> "Manitoba agrees to withhold from any other use and to set aside for each Band a substantial area of land ("the hold area") . . . any of its members may use any one or more parcels of land within its hold area that the Band's Council may, by Band Council Resolution, select as desirable for the purpose of some justifiable use(s) that will contribute towards the viability of the community including the well-being of any of its members . . .
>
> Manitoba undertakes to permit the Band or any resident(s) to have the exclusive use of each parcel of land thus selected, without fee of any kind, for as long as any resident continues prudently to use that parcel for the foregoing purposes". (Northern Flood Agreement, page 21)

The hold area provides opportunity for each of the affected Bands to identify parcels of unallocated, unencumbered and unoccupied Crown land suitable for specific resource use purposes. Within each hold area, the Band must identify intended land uses and select exclusive use parcels. The hold area and subsequent exclusive use parcels will not necessarily be contiguous. Any exclusive use parcels, however, must fall within the designated hold area. Such hold areas permit the affected Bands to develop long term resource use programs that could lead to substantial improvement in economic development of the communities. The hold area could be selected in "traditional" use areas which are not always contiguous with the Registered Trapline or Resource Area.

In both instances of land exchange and hold area identifications, the Bands are required to forward their chosen parcels to Manitoba for review and comment (Article 3.3, 4.5 and 4.6). Exclusion of parcels or portions of parcels by Manitoba must adhere to the requirements of the Agreement and, therefore, parcels cannot be arbitrarily rejected by Manitoba.

1.2.3 Resource Area

The Resource Area is defined in Article 15 of the Northern Flood Agreement as the area which includes the "Trapline Zones" and "the rivers and lakes which were traditionally available to and used by them (the residents of the Reserves) as a source of food supply, income-in-kind and income" (Article 15.1). Thus, the Resource Area is a broad region which encompasses both the traditional lands of the Band and the more contemporary registered trapline sections (RTL). It is common amongst many persons working with the Northern Flood Agreement to treat the registered trapline sections as synonymous with the Resource Area. For most of the NFA Bands, where there is substantial overlap between their traditional use area and their RTL, this misconception is not a major limitation. However, the wording of Article 15.1 clearly refers to a broader area.

The Northern Flood Agreement grants special rights and privileges pertaining to the use of fish and wildlife resources within the Resource Areas to each Band. Article 15.1 states that "Manitoba agrees to grant to the residents of the Reserves first priority to all the wildlife resources" within their Resource Area. Article 15.5 establishes the Wildlife Advisory and Planning Board which enables Band members to monitor wildlife resources, advise on wildlife management strategy and recommend works and programs to protect and perpetuate wildlife within the Resource Areas. Article 19 outlines programs established to provide compensation for adverse effects on trapping and fishing activities within the Resource Areas caused directly or indirectly by hydro development.

1.3 TREATY LAND ENTITLEMENT

1.3.1 The York Factory Band

The current members of the York Factory Band are descended from a people who have resided in the region of the Nelson and Hayes Rivers for over 400 years. They belong to a nation of Indians who are known today as the "Swampy Cree". The Band takes its name from the major Hudson's Bay Company post at the mouth of the Hayes River where they signed Treaty in 1910.

Prior to the influence of the fur trade, the ancestors of the York Factory Band travelled through the region in small family groups in pursuit of food and clothing. Families would congregate together in larger groups at different times of the year in response to food and ceremony. The movements of these people were governed by the availability of game and localized fluctuations in food stocks due to movements of game. These movements meant that these people frequently travelled to the Bay, north to Churchill and as far as Wintering Lake.

While it is apparent that at the time of European contact, the Swampy Cree were the resident Indians, early records suggest that the Cree occupation of the region did not include the coastal lowlands. Historic accounts indicate that initial attempts at contacting the Cree from York Fort required considerable inland movement (Morton, 1957).

With the establishment of the fur trade, the occupational patterns of the Cree people altered to fit the fur trade needs. Following construction of permanent posts on Hudson Bay after 1670, the Cree Indians began descending to the Bay to trade (Ray, 1974).

As trade grew through the west, the Assiniboine and Cree began to assume the role of middlemen, controlling trade between the Company and other Indian people to the south and west. Their historic occupation of the lower Nelson and Hayes Rivers placed the Cree in a strategically advantageous position to assume this new role.

> "The large steady supply of arms and ammunition which the Assiniboine and Cree were able to obtain at York Factory permitted them to exploit this initial locational advantage". (Ray, 1974)

The Cree and Assiniboine retained their control over trade and their position as middlemen for most the the 18th century. The lives of the Cree and Assiniboine became irrevocably linked with the fur trade and commerce replaced food gathering as a way of life.

With the development of inland trading posts by the Hudson's Bay Company in the late 18th century, the role of Indian middleman declined in importance. In response the "Homeguard" Indians adopted more specialized roles in the fur trade as trappers, as transporters of goods, as traders in the employ of the Company and as food suppliers.

Overtime, as a result of excessive trapping, changes in European fashion and modernization of the fur trade industry, the fur trade in northeastern Manitoba declined. Many members of the York Factory Band drifted away from York Factory, some establishing themselves at Shamattawa, Fox Lake and along the Hudson Bay Railway Line. In 1947, two different groups of former York Factory Band members formed the Shamattawa and Fox Lake Bands.

1.3.2 Relocation to York Landing

The community of York Landing was created in 1957 when members of the York Factory Indian Band were relocated from their home at York Factory to the present site on Split Lake near the mouth of the Aiken River. The move was initiated by the Department of Indian Affairs apparently in response to a decision by the Hudson's Bay Company to close its trading post at York Factory.

The site chosen for the community is over 155 miles (250 kilometres) from their former home in a region which was largely unfamiliar to Band members. Unfamiliarity with the area increased the difficulties of domestic hunting, fishing and food gathering. While located further inland, the new community was no more accessible to sources of wage employment than their former home. (Indeed the potential for jobs was much less than past experience at York Factory.) Access to the commercial fishing and fur resources around York Landing was limited as rights to these resources were already held by the Split Lake Band and other regional residents.

Today, York Landing has a resident population of approximately 300 York Factory Band members. The community has some 43 homes, a school, Band store, airstrip and other services. York Landing is still relatively inaccessible although it is serviced twice per week by ferry during the

summer, winter road in frozen months and several scheduled air flights per week. Lack of access to regional natural resources continues to be a major concern of Band members. The Split Lake Fur Council has allocated one trapline surrounding York Landing as a community trapline. The Split Lake Band continues to claim exclusive fishing rights on Split Lake, Assean Lake and Waskaiowaka Lake.

The community of York Landing is located on Provincial Crown Land. The Band has been actively negotiating for a Reserve at York Landing since 1969 but no transfer of land has taken place.

1.3.3 Treaty #5

The York Factory Band is a signatory to Treaty #5 which includes most of the Bands in North Central and Northeastern Manitoba.

The terms of Treaty five provided for the Cree and Ojibway to:

> "cede, release, surrender and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and her successors forever, all their rights, titles and privileges whatsoever to the lands included . . ."

The major provisions of the treaty included:

(1) The allocation of reserve lands up to a maximum size of 160 acres (and in some cases, 100 acres) for each family of five;

(2) Free navigation of all lakes and rivers reserved to the Crown;

(3) Reserve lands or interests in reserve lands could be sold or otherwise disposed of by the Crown "for the use and benefit of the said Indians entitled thereto, with their consent first hand and obtained . . .";

(4) The government to have the right to appropriate reserve lands for public works or buildings with compensation for improvements;

(5) The government to prohibit the introduction and sale of liquor on the reserves;

(6) The Indians to retain the right to hunt and fish off-reserve in unoccupied areas, subject to the regulations of the government;

(7) The government to maintain schools on the reserves;

(8) A present of $5 to be made for each Band member "in extinguishment of all claims heretofore proferred";

(9) A further payment of $5 per head to be made to each Band member annually;

(10) The government to spent $500 every year for the purchase of ammunition and twice for nets to be distributed to the Indians;

(11) Agricultural implements, tools, oxen and cattle to be provided on a once for all basis for any Band which engages in farming;

(12) Each Chief to receive an annual salary of $25;

(13) Each Councillor (to a maximum of three per Band) to be paid $15 annually; and

(14) Each Chief and Councillor to receive a "suitable suit of clothing" every three years.

While Treaty #5 was first signed in 1875, the York Factory Band did not sign until 1910. It is apparent that, upon signing the treaty, the Band did not select any land to be set aside as an Indian Reserve. Evidently, there was little pressure for land by outside interests in this remote part of northern Manitoba and neither the Band nor the Government felt that there was urgency to settle this matter. This situation continued for the next 50 or 60 years during which time the Band made no entitlement selections.

1.3.4 Provincial Involvement

The taking of adhesions to Treaty #5 had barely been completed when, in 1912, the boundaries of the Province of Manitoba were extended northwards to their present limits (60 N and the Hudson Bay Coast). By the Natural Resource Transfer Act of 1930, all lands, mines and minerals within Manitoba were transferred from the federal to the provincial government. As a result of this transfer, a third party became involved in the issue of Treaty Land Entitlement.

1.3.5 Treaty Land Selection

The York Factory Band made its first formal request for land transfer under Treaty Land Entitlement by Band Council Resolution dated March 5, 1970. The Band requested transfer of 11,008 acres of land to form two Indian Reserves for their use: 10,948 acres at York Landing and 60 acres at Waskaiowaka Lake. In response, some 13,010 acres at Split Lake and 60 acres at Waskaiowaka Lake were surveyed by the Federal Government. Subsequently, transfer of these parcels from Provincial ownership was delayed while discussions took place concerning the possible effects of hydro electric development and associated flooding on Reserve lands.

By Band Council Resolution dated June 8, 1978, the Band withdrew its request for land at Waskaiowaka Lake and stated its desire to reduce the size of its selection at York Landing. In a Band Council Resolution dated August 23, 1977, the Band formally requested the transfer of approximately 2,200 acres of land on both sides of the Aiken River at York Landing. On December 22, 1978 Brian Ransom, Manitoba Minister of Natural Resources announced that the Province would be transferring 2,200 acres of Crown Land at York Landing to the York Factory Band in partial fulfillment of their outstanding entitlement.

By September, 1985, the lands at York Landing were still in Provincial ownership. While a survey of the new Reserve boundary was completed, questions relating to hydro development, the airstrip, ferry dock, access road and gravel pit have continued to delay the transfer. It is hoped that the remaining issues which are delaying the transfer will be resolved shortly.

1.3.6 Treaty Entitlement Agreement

In 1982, the Manitoba government appointed Leon Mitchell, Q.C., as a one-man Commission on Treaty Land Entitlements to examine the issue and make recommendations on procedures and content of a treaty land entitlement agreement. Since 1983, negotiations have been underway between the Federal and Provincial Governments and the Chiefs of Bands with Unfulfilled Treaty Land Entitlements to reach an agreement which would permit final settlement of the issue. A draft agreement on treaty land entitlement was signed by Canada, Manitoba and representatives of the Indian Bands in the late summer of 1984. The terms of this agreement have not been made public.

The York Factory Band takes the position of other Bands with unfulfilled Treaty Land Entitlement in Manitoba that contemporary population figures should be used in fulfilling these entitlements. This follows the principle contained in the agreement reached in Saskatchewan in 1976 between the Federal Government and Federation of Saskatchewan Indians and other historic precedents. The Manitoba Treaty Entitlement Bands have proposed the official Band population on December 31, 1976 for calculating the quantum of entitlement lands.

Based on a Band population of 412 on December 31, 1976, the York Factory Band is entitled to 13,184 acres of Reserve land.

1.4 STUDY PROCESS

Study discussion between the Band and Hilderman Witty Crosby Hanna & Associates began in July 1985. Regular meetings and review sessions were held with the Band through the fall and winter to examine information, study direction and results. Two interim reports were provided to Chief and Council to review selection criteria, proposed areas and possible activities. The local NFC worker provided valuable assistance in coordinating community involvement and informing Band members of the intent and progress of the study.

Meetings were held in York Landing in July 1985 to determine community objectives for land exchange and land use, to identify potential land areas for acquisition and to review the resource information base. Following these meetings, more detailed analysis of regional resources and potential land selection areas was undertaken by the consultant to determine their development suitability and encumbrance status. Using air photo interpretation, topographic maps and forest inventory maps, specific land

parcels were delineated. These areas were reviewed with the Band at a meeting and workshop in September. In response to comments and suggestions from Band members a number of modifications were made to the land selection proposals.

1.4.1 Major Steps

The study process included several key steps (Figure 2). Study focus was undertaken initially at a regional level so that appreciation for broad regional patterns and opportunities could be attained. Subsequently, a narrowing of focus took place as additional effort was directed toward areas with particular values and features.

a) Define Study Area

Through discussion with the Band, the boundaries of the study area and Band's traditional use area. This area was enlarged somewhat as a result of subsequent discussion with Band members to include the area shown in Figure 3.

b) Determine Community Interests

During the initial meeting and workshop, consensus was sought for the type of resource development, particular land selection strategy and type of desired long term development opportunities which would be most beneficial. As a result, a focus for information collection and land selection was made possible.

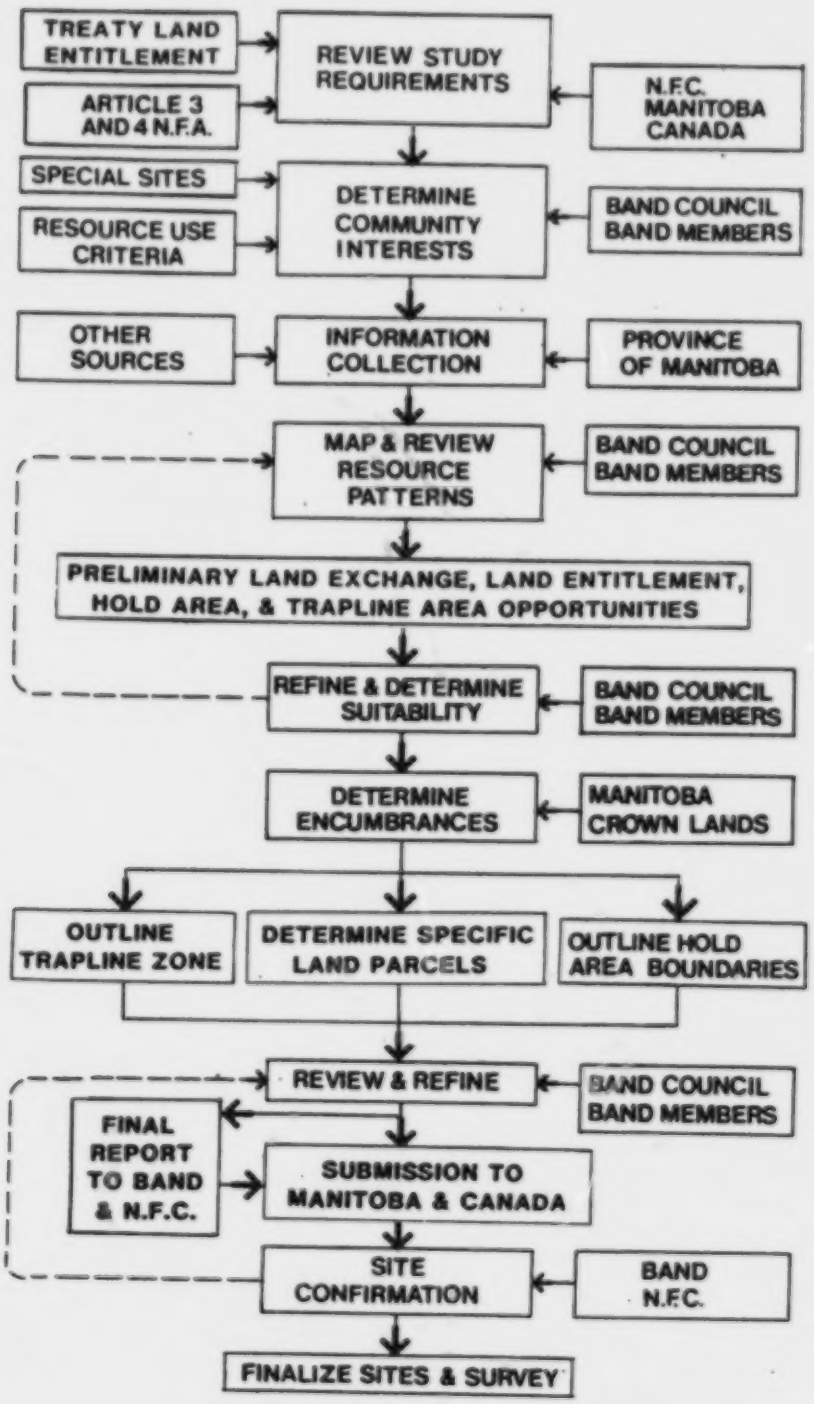
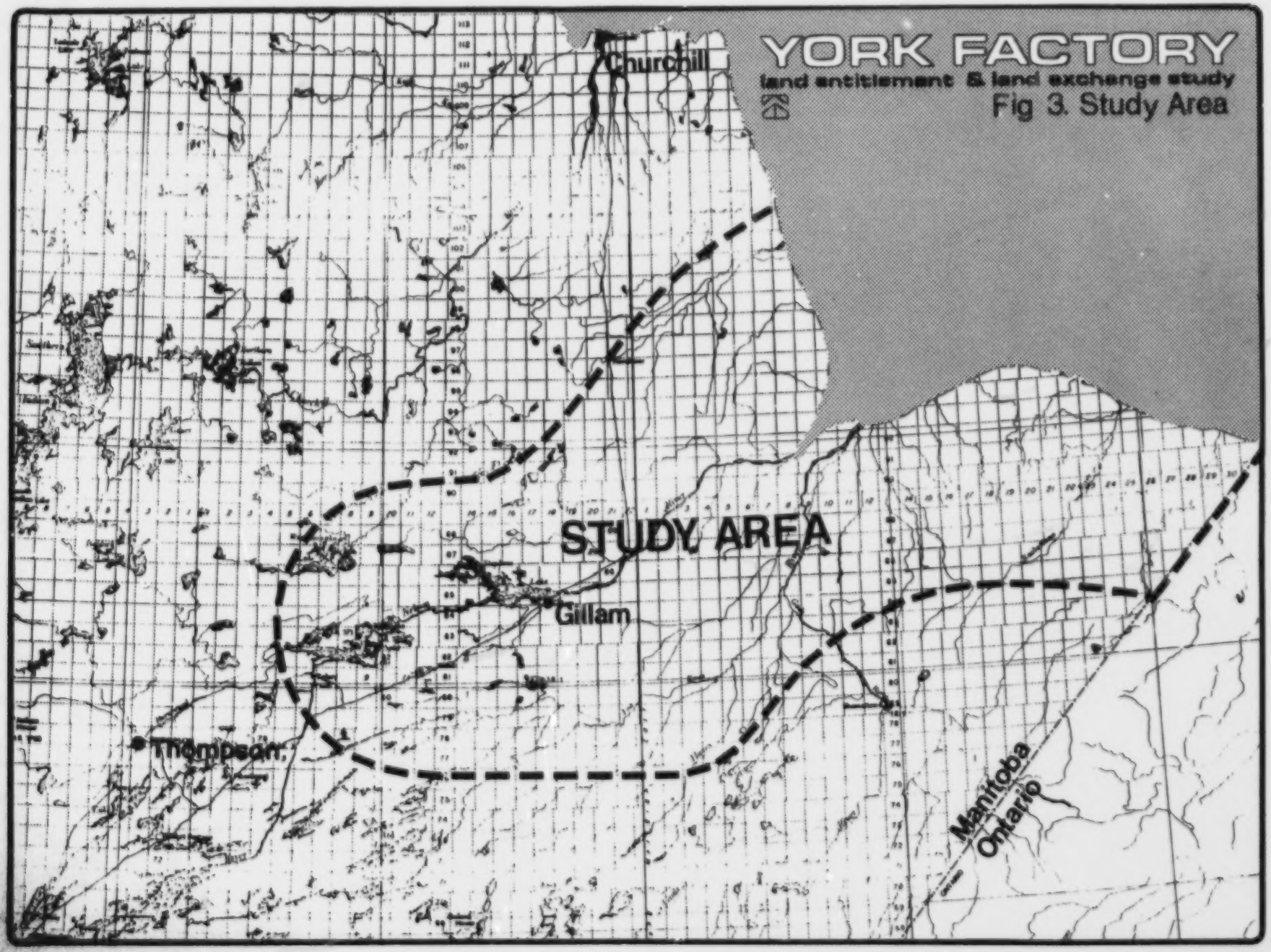


Figure 2

STUDY PROCESS


YORK FACTORY
land entitlement & land exchange study
Fig 3. Study Area
Churchill
STUDY AREA
Gillam
Thompson
Manitoba
Ontario

c) Information Collection & Analysis

Hilderman Witty Crosby Hanna & Associates gathered information on the land and resource base of the study area to permit analysis of site and resource capability. This information included existing reports, topographic mapping, forest inventory mapping, geological mapping, the biophysical inventory, airphotos and Landsat imagety. While the availability of land and resource data was good for portions of the study area, resource information was lacking or of a general nature for most of the region. Consequently, interpretation of black and white air photography and false colour Landsat imagery were important information sources. The Manitoba Department of Northern Affairs provided valuable assistance by supplying topographic mapping, air photos, Landsat imagery and satellite mapping for the project.

d) Map Resource Patterns

Once the Band had defined its resource interests, desired information was mapped at a scale of 1:250,000. These broad patterns indicated the location of the best forestry lands, agricultural lands, gravel sites, community development lands, commercial fish lakes, sport fish lakes and other pertinent information. Such information was mapped for the study area and reviewed with the Band. In this way, the Band was able to discuss the broad patterns of lands and lakes which fulfilled their particular resource use criteria determined at the beginning of the study. Based upon past experience, areas which might provide suitable land for hold area and land exchange designation were delineated.

e) Define Preliminary Land Exchange Areas, Hold Areas, Land Entitlement Areas and Trapline Area

Following the determination of regional resource patterns, a preliminary hold area boundary was defined on the basis of the extent of available desired resources. Using a map overlay system, complex resource potential land patterns emerged. Within such areas, existing lands and other factors pertinent to the community were evaluated and refined to demarcate those lands with the highest development capability for each variable. On the basis of this information, preliminary recommendations for a trapline area, hold areas, land entitlement and land exchange sites were formulated. These were reviewed with the Band and modified as required.

f) Determine Specific Land Parcels and Hold Areas

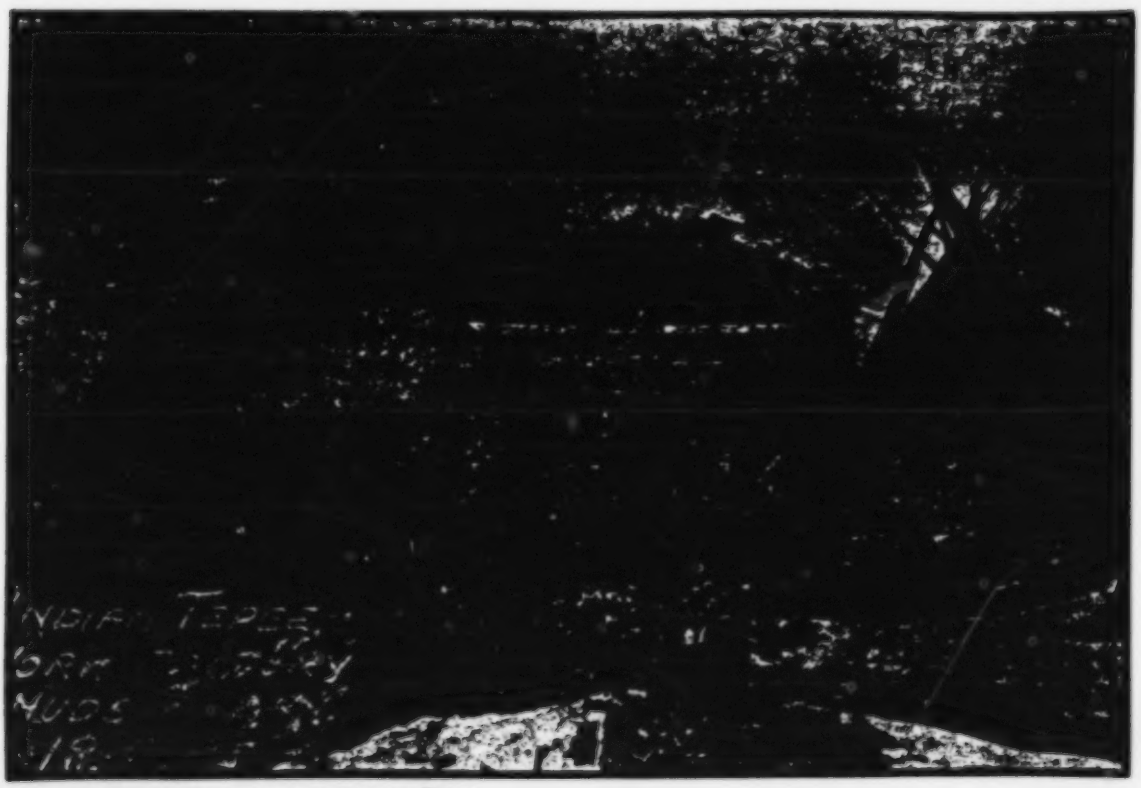
Using aerial photographic interpretation, Landsat imagery, topographic maps and Manitoba Forest Inventory sheets, preliminary land exchange sites were evaluated in more detail to determine capability, site criteria, precise location and acreage. Based on this analysis, further modifications were made to land proposals.

Maps of these areas were prepared and included in an interim report for review with the Band. The Band gave their approval to these final preliminary selections in February.

1.4.2 Community Involvement

A major effort was made to involve the Band at all stages in the study process. Band members gave direction to the formulation of study objectives, collection of resource data, establishment of selection criteria and delineation of areas of interest. Band members contributed their ideas at three review and information meetings.

Objectives for Land Selection



York Factory, 1916. Manitoba Archives Photo.

2. Objectives for Land Selection

During initial meetings with Chief and Council, the NFA Implementation Worker and Band members, the Band's objectives for land selection became apparent. With further meetings and review sessions, these objectives were clarified to provide direction for selection of land areas. The following are the Band's main objectives for resource area, trapping area, hold areas and land parcels.

2.1 RESOURCE AREA/TRAPPING AREA

The York Factory Band wants to define an official trapping area for the use of Band members. This trapping area will be used for commercial fur harvesting and as a focus for traditional activities. The designation of a trapping area will also help to define the Band's resource area for purposes of the Northern Flood Agreement.

The trapping area should be in an area with which Band members are familiar, and an area traditionally used by the Band. Preferably the trapping area would be accessible from York Landing or other future Reserve land. Creation of the trapping area should minimize conflicts with other active trapping groups.

2.2 HOLD AREAS

Band members identified three main objectives for hold area selection:

1. To freeze or control resource and land allocations within specified areas of interest to allow the Band to examine the area in more

detail prior to the selection of land exchange, land entitlement lands and exclusive use parcels. Many of the younger Band members are unfamiliar with portions of the Band's traditional use area and need time to investigate these lands for themselves. Further, for much of the traditional use area, information on land and resource characteristics is lacking. The Band requires additional information on the resource base before making more specific land selection.

2. To provide resources/raw material for use in the York Landing community and other selected land parcels including: fuelwood, logs and rough lumber, sand and gravel.

3. To provide resources which can be developed by the Band and Band members to generate employment and income.

Hold areas and exclusive use parcels are more suited to providing access to natural resources which are non-renewable and/or extensive than are land exchange and land entitlement lands. As the area of land exchange and land entitlement lands are smaller than hold areas, they would be more efficiently used for intensive and renewable activities.

The hold areas should contain sufficient resources to provide the community with a long term and sustained supply of raw materials. For example, if commercial timber harvesting is proposed, then the hold area should contain enough timber to allow harvesting indefinitely on a sustained yield basis.

2.3 LAND PARCELS

2.3.1 Heritage Lands

Band members indicated that lands which were traditionally used by the York Factory Band and their ancestors are important for selection. To older Band members these lands are the places where they lived through their childhood and much of their adult life. To younger Band members, these lands are a physical link with their past. These are lands which were used for permanent and seasonal settlement, as campsites and way stations, for social, political, economic and ceremonial purposes.

For younger and older Band members alike, these heritage lands are tangible symbols of their history particularly the last three centuries which was dominated by the fur trade. These lands give Band members, particularly younger ones, a greater sense of who they are and where they have come from.

Acquisition of heritage lands will also be significant symbols for non-Band members, many of whom seem to have forgotten the location of the Band's traditional lands. The heritage lands are also symbolic reminders of the major role that the York Factory Band and their ancestors played in the fur trade and development of western Canada.

Heritage lands also have value for ongoing traditional activities as the patterns of these pursuits have not changed substantially over time.

Heritage lands include parcels which might well have been selected at the time that the Band signed treaty in 1910 if, in fact, the Band had selected land at that time.

2.3.2 Settlement

Band members did not express interest in the acquisition or expansion of land for settlement or community development purposes. Many Band members are not satisfied with the community's location at York Landing. This dissatisfaction has apparently been present ever since the relocation of the community from York Factory and stems, in part, from lack of a resource base and impacts from hydro development.

While dissatisfied with York Landing, Band members recognize that moving the community elsewhere is impractical given the social and infrastructure investments which have been made. Further, York Landing has become "home" to the younger Band members who have grown up there. The Band has decided to utilize a portion of their land entitlement for a reserve at York Landing but no more than is required to meet needs for community growth. Band members do not see a need to develop other permanent settlement areas on land exchange or land entitlement parcels.

2.3.3 Economic Development

The Band sees land exchange and land entitlement as a means to gain access to land and resources with potential for generating employment and income for Band members. Potential economic opportunities include tourism (fishing, hunting), commercial fishing, forestry, agriculture. As land exchange and land entitlement lands will become Indian Reserve and as such held permanently by the Band, these parcels are best suited to the utilization of renewable resources. For non-renewable resources such as sand and gravel, hold area and exclusive use designation is more appropriate.

2.3.4 Traditional Activities

The Band wishes to define parcels of Reserve land which are suitable for uses associated with traditional activities (eg. cabins, camping sites). The Band does not have any Reserve land within their old trapping area for use as bases for hunting, trapping and other land activities.

While Provincial Crown Land has been used in the past for such uses, the Band wants to ensure future access to these lands. With increasing development in the north and competition for land and land use conflicts becoming more common, the need to secure rights to land is growing.

2.3.5 Recreation

An important component of native community lifestyle is the ability to "get away" to traditional family hunting and fishing camps. Such activity is especially important in early spring, summer and fall. Such times ensure cultural self-renewal and recreation/relaxation. Environmental impacts from existing and future hydro development on the Nelson River are adversely affecting the use of the Nelson River, Split Lake and tributary rivers for recreation. There is a need to identify alternate areas for community recreation.

2.3.6 Land Entitlement Survey

A survey of York Landing residents was undertaken by Damas and Smith during the course of the York Landing Community Plan Update, 1983 to gather Band member opinions on treaty land entitlement. Two tables from the Community Plan showing the results of this survey follow.

TABLE I **YORK FACTORY BAND POTENTIAL RESERVE LAND SITES***

Location	No. of Respondents
York Factory	10
Little Limestone Lake	6
Bigstone River	6
Kaskatamagan River	4
Hudson Bay Coastline (2 places in particular mentioned - Port Nelson area and Mistikokan Creek)	4
Fox River area (minerals)	1
Fox Lake area (fastwater)	1
Lake Waiskawaka	1
Bird	1
Clearwater Lake (The Pas)	1

* Several respondents, particularly younger Band members, declined comment on this question claiming that they were not familiar enough with the N.E. area of Manitoba to offer specific suggestions.

Source: Land Entitlement Survey by DAMAS & SMITH, 1978

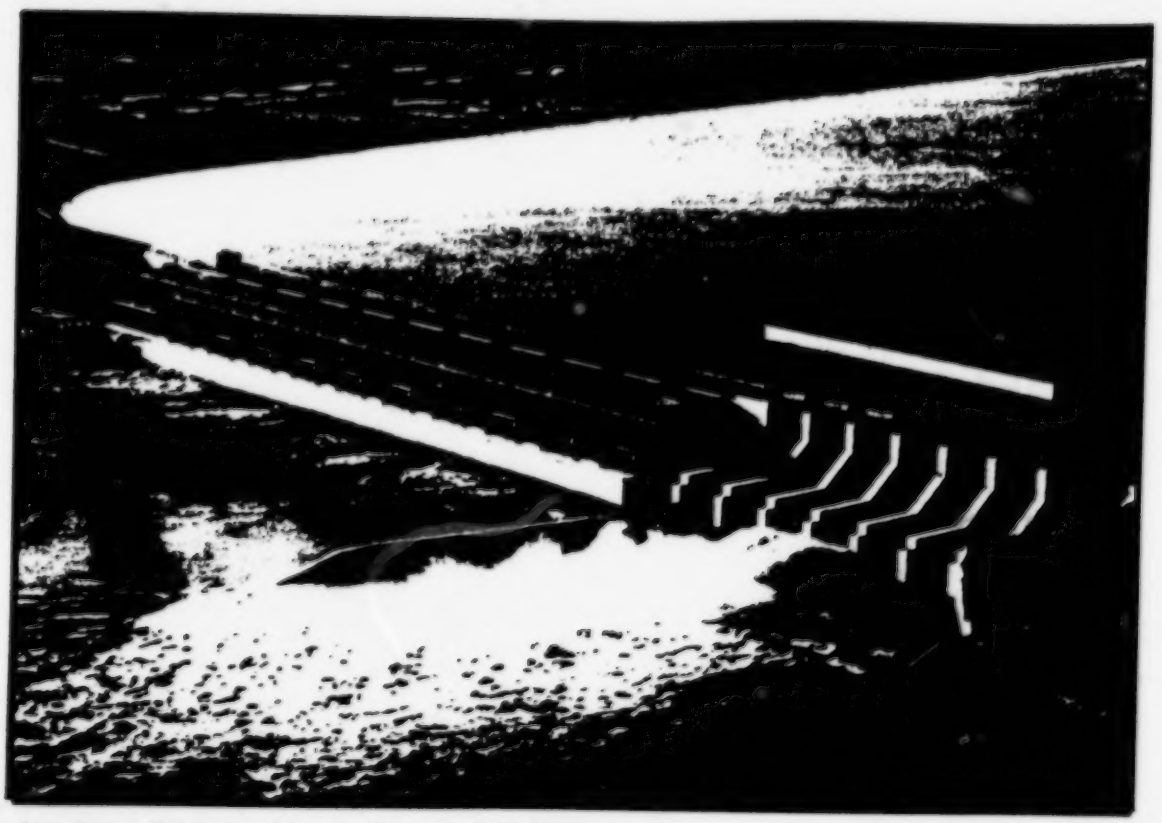
TABLE II YORK FACTORY BAND LAND ENTITLEMENT
FACTORS OF IMPORTANCE IN SELECTING RESERVE LAND

RESERVE LAND SHOULD:

	Yes	No/Indifferent	Total
1. Be an area suitable for trapping, hunting, and fishing.	33	-	33
2. Have soil suitable for building houses and making gardens.	31	2	33
3. Be suitable for tourist development.	27	6	33
4. Be located along a river or lake.	32	1	33
5. Be located near highway or airstrip for commercial development.	30	3	33
6. Be located where there is good drinking water.	32	1	33
7. Be located in area of good timber, gravel and other resources.	32	1	33
8. Be located where there is protection from wind and cold and where there is a safe harbour for boats.	31	2	33

Source: Land Entitlement Survey, DAMAS & SMITH, 1978

Existing Use



Long Spruce Generating Station. Manitoba Hydro Photo.

3. Existing Use

While the study area is in a remote and largely undeveloped portion of Manitoba, there are some significant land use activities which exist or are proposed.

3.1 LAND OWNERSHIP/JURISDICTION

The vast majority of land in the study area is unoccupied Provincial Crown Land. There are, however, some significant land allocations, leases and occupations as follows.

3.1.1 Local Government District (LGD) of Gillam

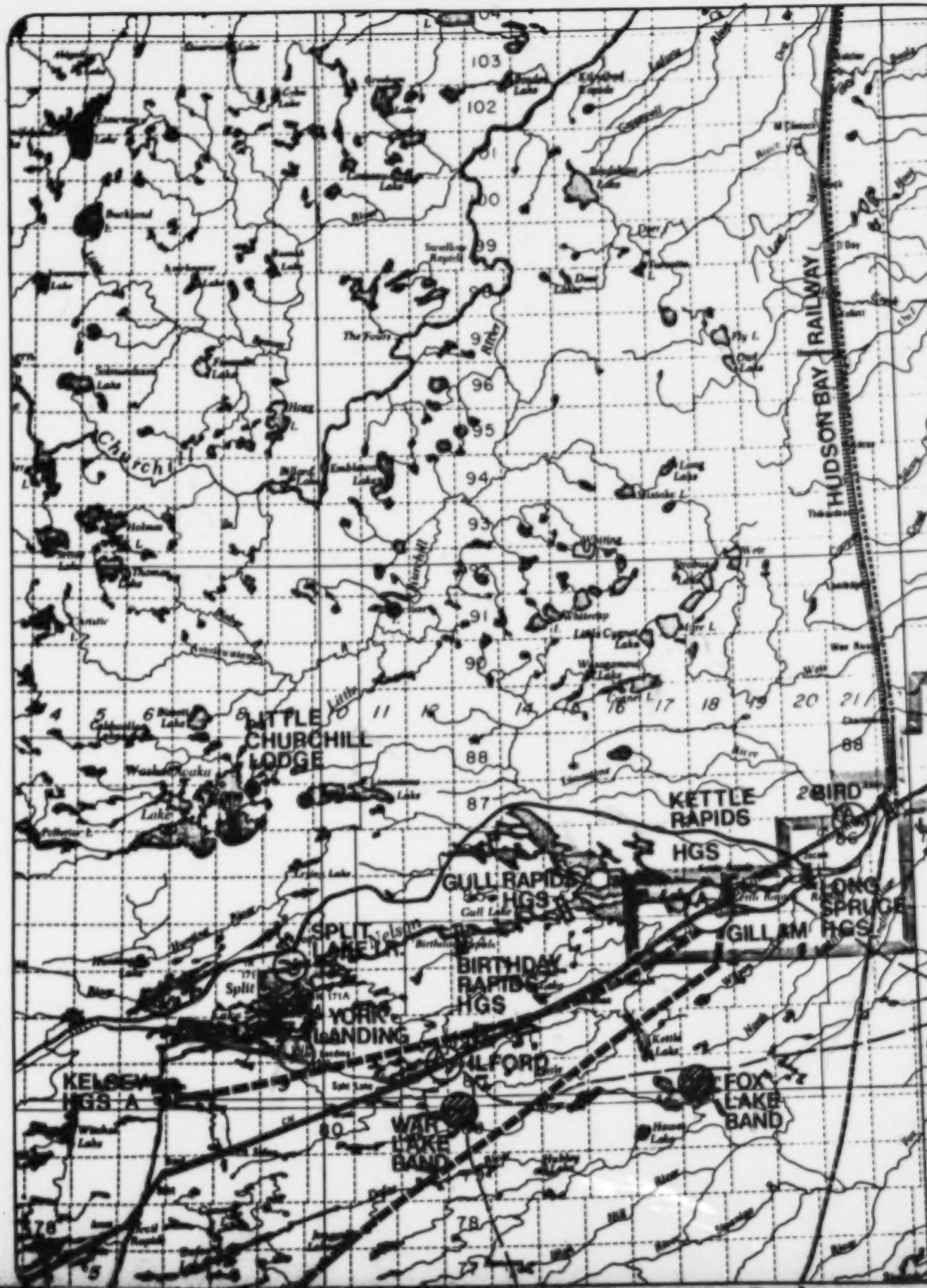
Approximately 1400 square kilometres of land falls within the Local Government District of Gillam. The LGD has authority to control land use and levy taxes within its boundaries.

3.1.2 Private Holdings

There are few private parcels of land outside of the settlement areas. Two (2) privately held parcels are located at York Factory.

3.1.3 Permits, Leases

Land use permits and leases have been issued primarily for tourist lodges and outcamps and resource extraction purposes.


HUDSON BAY RAILWAY
LITTLE CHURCHILL LODGE
KETTLE RAPIDS HGS
BIRD
GULL RAPIDS HGS
LONG SPRUCE
GILLAM HGS
SPLIT LAKE A
BIRTHDAY RAPIDS HGS
YORK LANDING
KELSEY HGS A
WAR LAKE BAND
FOX LAKE BAND
Churchill
Little Churchill
Nelson
Split
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YORK FACT
land entitleme
& land exc
CAPE CHURCHILL WMA
CAPE TATNAM WMA
NANUK CAMP
J.HATLEY CAMP
YORK FACT. NAT'L HIST. SITE
TENSHILLING
CR GOOSE CAMP
GILLAM ISLAND HGS
CONAWAPA HGS
MESTONE HGS
MOOSE CAMP
SHAMATTAWA
Fig. 4 Exist
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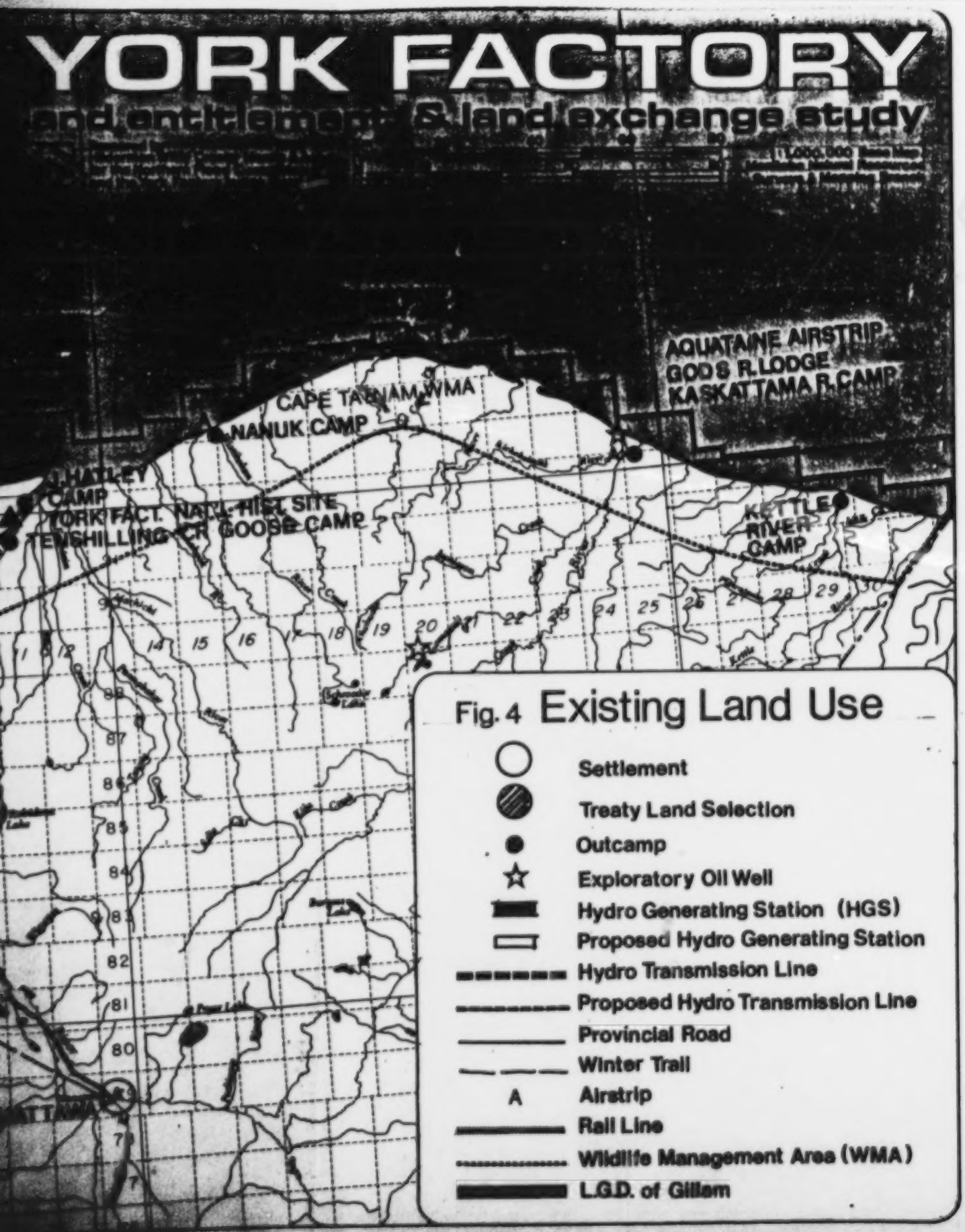
YORK FACTORY
& land exchange study
AQUATAINE AIRSTRIP
GODS R. LODGE
KASKATTAMA R. CAMP
CAPE TATNAM WMA
NANUK CAMP
HATLEY CAMP
YORK FACT. NAT'L HIST. SITE
TEVSHILLING CR GOOSE CAMP
KETTLE RIVER CAMP
Fig. 4 Existing Land Use
Settlement
Treaty Land Selection
Outcamp
Exploratory Oil Well
Hydro Generating Station (HGS)
Proposed Hydro Generating Station
Hydro Transmission Line
Proposed Hydro Transmission Line
Provincial Road
Winter Trail
A Airstrip
Rail Line
Wildlife Management Area (WMA)
L.G.D. of Gillam

3.1.4 Indian Reserves, Land Exchange and Land Entitlement

There are four (4) other Indian Bands which are resident in the study area: the Split Lake Band living on the north shore of Split Lake, the War Lake Band living at Ilford, the Fox Lake Band living at Gillam and Bird and the Shamattawa Band living at Shamatawa.

The Split Lake Band has three (3) reserves on the shores of Split Lake: IR 171 (3,608 acres), IR 171A (7,390 acres) and IR 171B (335 acres). The majority of the Band lives in a community on IR 171. The Split Lake Band does not have any outstanding treaty land entitlement but as a party to the Northern Flood Agreement (NFA) is entitled to select land exchange and hold areas. The Split Lake Band completed a land use and land exchange study in 1983 in which the Band identified a proposed hold area and land exchange areas (Figure 5).

The members of the Fox Lake Band and Shamattawa Band separated from the rest of the York Factory Band in 1947. Both of these Bands have outstanding treaty land entitlement. The Fox Lake Band has an outstanding treaty land entitlement of 6,134 acres. The Band has selected 240 acres of land at Atkinson and Armstrong Lakes. The Shamatawa Band has selected 5,725 acres of reserve land at Shamattawa on the God's River and has an outstanding land entitlement of approximately 11,747 acres.

The War Lake Band is composed of former members of the Split Lake and Fox Lake Bands. At present, the Band does not have a reserve but resides on Crown Land in and around Ilford. The York Factory Band has agreed to provide 200 acres of their treaty land entitlement to the War Lake Band to establish their own reserve.

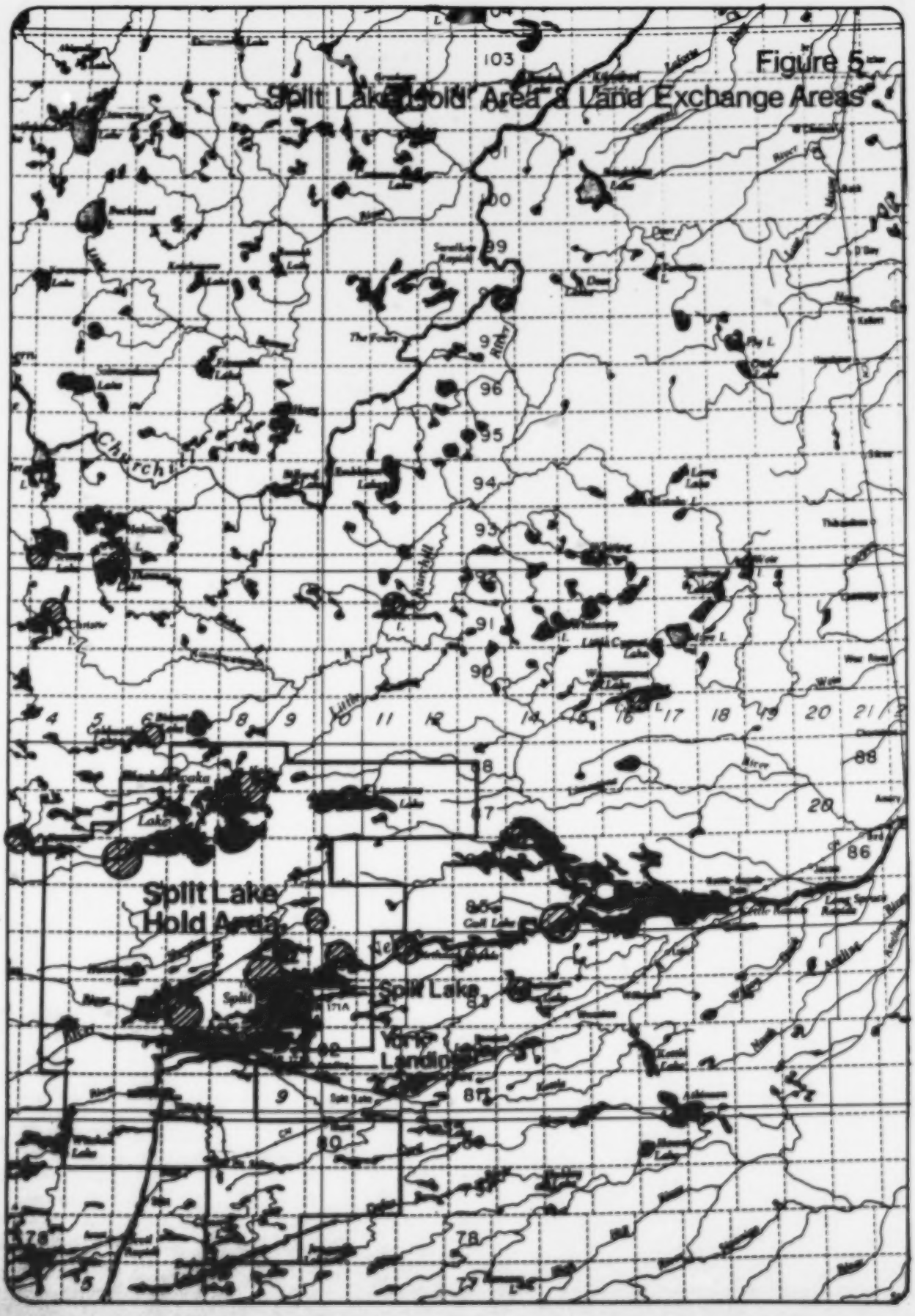

Figure 5
Split Lake Hold Area & Land Exchange Areas

3.1.5 York Factory National Historic Site

The York Factory National Historic Site includes 102 acres of land surrounding the historic Hudson's Bay Company post at the mouth of the Hayes River. This land is owned by the Federal Government and administered by Parks Canada.

3.1.6 Registered Trapline Sections

The study area includes portions of three (3) registered trapline sections: Split Lake, Limestone and Shamattawa. These sections are designated by Order in Council and administered under the Wildlife Act. Within each section, registered trapline areas have been designated. Upon payment of a fee, trappers are issued a permit and exclusive trapping rights within their designated trapline. Registered trappers do not own the land upon which they trap. All improvements to the land (eg. cabins) are the property of the Province.

The York Factory Band no longer has its own registered trapline section. At one time the York Factory RTL section included the eastern portion of the Limestone block and the northern portion of the Shamattawa block.

3.1.7 Nelson River Water Power Reserve

Manitoba Hydro has been granted use of the lands along the Nelson and Churchill Rivers for purposes of hydro development. Hydro's rights to these lands do not necessarily prevent land selection under the Northern Flood Agreement or Treaty Land Entitlement.

3.1.8 Sand and Gravel Reservations

Manitoba Hydro has been granted rights to sand and gravel resources along the Nelson River. The Department of Highways has reserved rights to sand and gravel along existing roadways and other select locations.

3.1.9 Forestry Commitments

Most of the more productive forest land within the region lies within the Manitoba Forest Resources option area. ManFor has preferred, but not exclusive, cutting rights for timber resources within this area. The company has not undertaken any harvesting of timber within the region and there are no plans for timber harvesting in the near future. The allocation of timber rights does not restrict the selection of land exchange areas or hold areas provided that the land is not occupied or is not being actively logged.

3.1.10 Wildlife Management Areas

The study area includes the Cape Tatnum Wildlife Management Area and a portion of the Cape Churchill Wildlife Management Area. These areas were established in 1973 and 1978 respectively to protect the important wildlife populations and habitat in the region including: geese, polar bears and caribou. Hunting and trapping are strictly regulated within the wildlife management areas. Land use is also strictly controlled: no development of any type may be undertaken within the wildlife management areas without the specific direction and authority of the Manitoba Government. These regulations should not impede the selection and use of land exchange and treaty land entitlement lands.

3.1.11 Northwest Territories Jurisdiction

While the mainland and freshwater bodies are under provincial control, the waters and islands of Hudson Bay are under the jurisdiction of the Northwest Territories Government.

3.2 TRANSPORTATION

Like most of northern Manitoba, access within the study area is very limited. Lack of access will be a major constraint to the use and development of land and resources within the region. On the other hand, by controlling use of a particular resource, limited access can provide opportunities for special kinds of resource development such as tourist lodges.

3.2.1 Roads and Trails

The only all-weather road providing access to the region is a Provincial gravel road connecting Thompson to Gillam. The Split Lake to Gillam section of this road was just recently completed in 1983. All-weather road access currently exists as far east as Sundance near the Limestone Generating Station site. With the future construction of the Conawapa and Gillam Island generating stations, this road will likely be continued along the north shore of the Nelson River (Harper, Bukowsky, 1974). All weather road access to Gillam Island will significantly shorten the distance of overland travel to Hudson Bay coastal areas, particularly the York Factory area. The earliest projected dates for construction of the Conawapa and Gillam Island projects are 1990 and 2002 respectively (IDS, 1983). Roads are also likely to be built to the Birthday Rapids and Gull Rapids hydro generating sites when these projects are constructed at some time in the future.

An all-weather road connects the community of Split Lake to the Thompson-Gillam road. York Landing is connected to Split Lake in the ice-free months by a twice-weekly ferry service.

A winter road connecting Split Lake, York Landing and Ilford is constructed and maintained annually under contract to the Manitoba Department of Highways. Manitoba Hydro regularly constructs a winter road from this road to their installation at Kelsey. In the past, a winter road/trail was constructed periodically between Ilford and Shamattawa for shipment of freight. A road is now constructed when needed from Gillam to Shamattawa.

Trappers from York Landing obtained financial assistance in 1984 to clear approximately 110 kilometres of snowmobile trail from the Gillam-Shamattawa road to their camp at Ten Shilling Creek. Work was started on this trail but the project is incomplete.

3.2.2 Railway

The railway line to Hudson Bay from The Pas was commenced in 1911. The original terminus for the railway was Port Nelson at the mouth of the Nelson River. Due to inadequate depth for shipping at this location, the rail line was diverted north to Churchill in 1927, being completed in 1929. The Hudson's Bay Railway is used primarily for shipment of grain to the Port of Churchill and other towns along the line. VIA Rail provides passenger service along the rail line three times per week. A railbus system servicing small communities along the railway line has been proposed by the Department of Highways. If a test of this service between Thompson, Pikwitonei and Thicket Portage is successful, the system will be extended to other centres such as Ilford and Gillam (IDS, 1983).

3.2.3 Air Service

There are four (4) public airstrips maintained by the Department of Highways and Transportation within the study area. These are located at Gillam, York Landing, Ilford and Shamattawa. The Gillam airport is equipped with an asphalt runway suitable for landing of jet aircraft. All four of these communities receive scheduled air service.

Other airstrips in the region are found at Bird, the Nanuk Goose Camp on the Mistikokan River and at the Kelsey generating station. With the recent upgrading of the Nanuk airstrip to permit landings by DC-3 aircraft direct air charter connections from Winnipeg are possible. The Aquitaine airstrip at the mouth of the Kaskattama River, formerly used by aircraft as large as a DC-3, is now a public airstrip but is not maintained.

Float plane access to coastal areas is sometimes difficult due to the influence of currents and tides. Low water levels can limit the landing of float planes while sand bars and mud flats can prevent aircraft from reaching shore.

3.2.4 Waterways

The rivers which flow through the region were historically the main corridors of travel. The Hayes, Nelson, Fox and Burntwood Rivers were the major highways of the northern fur trade for over two hundred years from the late 17th century through to the end of the 19th century. The importance of these routes for freight declined in the early 1900's with the construction of the railway and development of mechanized winter transport. Despite these innovations, however, the waterways of the region

continue to fulfill an important transportation function. In winter the frozen rivers and lakes are used by trappers and hunters in search of furs and game. In the summer months, canoeists and rafters regularly descend the Hayes River to York Factory. One tour operator from Gillam uses jet boats to descend the Nelson River to York Factory and vicinity.

3.3 SETTLEMENTS

In addition to the community of York Landing, there are four (4) permanent settlements within the study area which are worth noting. Gillam, the largest centre, is Manitoba Hydro's regional headquarters and a railroad divisional point. It was incorporated as a Local Government District in 1966. While there have been people residing in Gillam for many years, the modern community developed in association with the hydro electric projects on the Nelson River. Consequently, the population has fluctuated according to the level of construction activity. The population reached a high of 2,839 in 1976 declining to 1,427 in 1981 following completion of the Long Spruce Dam. With the reactivation of the Limestone project, the local population is expected to increase significantly with the influx of construction workers and related service industry. During construction of future downstream hydro projects, most Manitoba Hydro employees and construction workers will be located in the Limestone construction camp and the temporary community of Sundance located to the northeast of Gillam. Gillam is also the home of the majority of the Fox Lake Band. The town is accessible by jet service, railway and all-weather road.

The second largest community is Split Lake located on Split Lake Indian Reserve 171. The population is approximately 1,120 persons, the majority being members of the Split Lake Indian Band. The community is serviced by all-weather road from Thompson.

Shamattawa is a remote settlement on the Shamattawa Indian Reserve. The population of the community in 1982 was approximately 570 persons, the majority being members of the Shamattawa Indian Band. The community has an airstrip and is occassionally serviced by winter trail.

The community of Ilford is located on the Hudson's Bay Railway line at Moosenose Lake, 40 kilometres southeast of Split Lake. The population of the community was 190 persons in 1982. Approximately 45% of the population is composed of members of the War Lake Indian Band. The community is accessible by rail, scheduled air service and winter road from Split Lake and York Landing

The settlement of Bird is located 50 kilometres northeast of Gillam on the Hudson's Bay Rail Line. The settlement is located within an Indian Reserve belonging to the Fox Lake Band. It is inhabited by approximately 26 members of that Band.

3.4 OIL EXPLORATION

Three (3) exploration oil wells were drilled near the Hudson's Bay coast from 1966 to 1970. The results of this drilling apparently did not warrant further exploration at the time as drilling activity was discontinued. There continues to be interest in the area, however. A consortium of companies signed a five year exploration agreement and commenced seismic surveys of Hudson Bay in 1982. If results of this survey are promising, additional exploratory wells may be drilled. Exploration activity is operating from a ship on the Bay.

3.5 HYDRO DEVELOPMENT

Construction is currently underway on the third hydro generating station on the Lower Nelson River: Limestone. Construction was completed on the Kettle Rapids and Long Spruce generating stations in 1974 and 1979 respectively. Four additional generating stations are planned for future development. The earliest anticipated construction date for Conawapa is 1997. No datehas been established for commencement of the Gillam Island, Birthday and Gull Generating Stations.

3.6 YORK FACTORY NATIONAL HISTORIC SITE

The York Factory National Historic Site is comprised of 102 acres of land surrounding the historic Hudson's Bay Company fort at the mouth of the Hayes River. The lands which make-up the National Historic Site were acquired by Parks Canada from the Hudson's Bay Company and two (2) other private owners in 1968 and 1970. Aside from the main depot building, the most significant structure at historic York Factory, there are few historic structures remaining at the site. A number of comtemporary structures are located on the National Historic Site and adjacent property.

Several small parcels of Provincial Crown Land are enclosed by the National Historic Site. Two (2) contemporary structures, one being used by the Provincial Game Branch are located on one of these parcels. J. Hatley, a tourist operator, has been issued a permit and has constructed cabins north of the National Historic Site on provincial land.

Two (2) adjacent parcels of private land are located south of the National Historic Site. One 4.57 acre parcel is owned by the Hudson's Bay Company. The other parcel of 8.04 acres is owned by the Anglican Church and contains the foundations of the church building.

Remains of the historic Indian settlement at York Factory are found to the north and south of the National Historic Site on Provincial Crown Land and on lands owned by the Anglican Church and Hudson's Bay Company (Parks Canada, 1984).

Parks Canada has, for several years, been working towards the completion of a master plan for the York Factory site. The site is currently the focus of attention for a joint federal-provincial task force examining the tourism and development opportunities in the area. The preliminary recommendations of the task force are anticipated in January 1986.

3.7 TOURIST OPERATORS

3.7.1 Sport Fishing

There is one sport fishing lodge within the study area: Little Churchill Lodge on Waskaiowaka Lake. This lodge also operates outcamps on Limestone Lake and Recluse Lake which are within the study area. An outcamp operation is located on Atkinson Lake. An outfitter located at York Factory offers fishing for sea-run brook trout during the spring.

3.7.2 Sport Hunting

There are four goose camps located on Hudson Bay: Kaskattama River Camp; Kettle River Camp; Nanuk Camp (on the Mistikokan River) and Ten Shilling Creek Camp. The Nanuk and Kaskattama camps have private airstrips. The Ten Shilling Creek Camp was operated by the York Factory Band with the Department of Indian Affairs up until 1981, but has not operated for goose hunting since then. York Factory Band members have used the camp as a base for trapping in recent years.

A moose hunting camp is located on the Hayes River near the junction with the Fox River.

3.7.3 Other Operators

Operators from Churchill, Gillam and Berens River are transporting tourists and canoeists into and out of the York Factory area by jet boat, raft and charter aircraft.

Resource Analysis

Geese Decoys at York Factory, 1943. Manitoba Archives Photo.

4. Resource Analysis

From the outset of the study, it was clear that the York Factory Band saw the land exchange areas and hold areas as a means by which they would secure the use of the resources within their traditional use area. Reserve lands and hold areas were to be defined which satisfied specific objectives and focused on specific resources. The delineation of these areas was therefore based on a thorough analysis of the land and resources in the study area and the Band's objectives for land and resource use.

Analysis was initiated at the regional scale with a study of broader biophysical and cultural patterns. The land and resources were examined in terms of the following: forestry, agriculture, minerals, fish and wildlife. Areas with the greatest resource potential were studied in increasing detail until specific sites and resources were isolated.

The inventory and analysis process used a variety of methods and information sources. A significant quantity of this information was made available by the Province of Manitoba in the form of reports, maps and interviews with Provincial officials. This section outlines the methods and sources used during the course of the study and the results of the resource analysis.

The quality of resource information varied within the study area. Generally, more detailed data was available for the western and southern portions of the region while in the north and coastal areas, site specific information was limited.

4.1 REGIONAL PHYSIOGRAPHY

The study area includes portions of two major physiographic regions: the Hudson Bay Lowlands in the northeast and Precambrian Shield to the west (Figure 6).

The Hudson Bay Lowlands take the form of a gently undulating coastal plain consisting of deep clay, silt and sand textured deposits. These are overlain by extensive seasonally submerged organic deposits. Relief is minimal and is provided primarily by valleys formed major rivers and beach deposits. These latter landforms are found extensively in coastal areas east of the Hayes River. They occur as distinct ridges 1 to 3 metres thick consisting predominantly of sand and gravel textured material. These ridges were abandoned as the land rebounded following glaciation and the sea retreated to the northeast. Isolatic rebound continues today at an estimated rate of 80 cm per century (Teillet, 1982). While the lowlands are transected by rivers of significant size including the Nelson, Hayes and Gods Rivers, drainage is generally poor. The terrain is covered by an almost continuous mantle of seasonally submerged organic deposits. Organic terrain features include peat plateaus, palsas and horizontal fen.

Continuous permafrost conditons are found in both mineral and organic soils in the most northeastern portion of the study area. In other parts of the lowlands, permafrost is discontinuous but still widespread. Vegetation is predominantly composed of lichen heath, scrub and open spruce and larch forest. Trees tend to be small and stunted as growth is limited by the presence of permafrost, poor drainage and climatic conditions. Larger trees occur along the banks of rivers where soil drainage is improved and permafrost less prominent.

The Precambrian Shield segment of the study area is characterized by relatively level terrain consisting of a discontinuous veneer of glacio-lacustrine and moraine deposits overlying granitic bedrock. These sand, silt and clay textured deposits form extensive flat lake plains and discontinuous veneers which reflect the form of the underlying topography. Large portions of these areas are overlain by poorly drained organic deposits.

Localized relief is provided by lakes and rivers, bedrock highs, morainic ridges and drumins, eskers and other glacio-fluvial deposits. Two large esker-kame complexes forming prominent east-west oriented ridges are found in the study are: one in the Limestone River area and another near Atkinson Lake. These deposits consist primarily of gravel, sand and silt textured material.

Extensive morainal deposits occur north of Stephens Lake in the Cygnet Lake area and in the eastern portion of the study area near the Ontario border. These consist of highly calcareous, unsorted glacial till. The terrain is moderately to strongly rolling with small bedrock outcrops.

4.1.1 Vegetation

The natural vegetation of the study area ranges from northern coniferous forest in the southwest to arctic tundra in the northeast. In the region surrounding Split Lake, the forest cover is dominated by black spruce in association with larch and balsam fir growing on poorly drained soils, with jack pine being dominant on rapidly drained glacio-fluvial deposits and areas with exposed bedrock.

Isolated mixed wood and hardwood stands with aspen, white birch and occassionally white spruce occur on deep, better-drained soils on lakeshores and along rivers.

Between the coastal tundra and continuous forest lies the northern transitional forest. The size of trees, density and distribution of stands in this vegetation zone decrease as one travels northward. The dominant species are black spruce and larch. In northern portions of the zone, forest cover tends to be confined to river valleys. These are essentially absent from the areas of arctic tundra except for occurences of stunded willow. The dominant vegetation includes lichen, mosses, grasses and sedges.

4.1.2 Biophysical Land Classification

A significant portion of the study area is covered by the Manitoba Biophysical Inventory. This resource information program provides general information on landforms, climate, soils, permafrost, vegetation and land drainage in a series of reports and maps (1:125,000 scale). The system of land classification utilizes a hierarchy of biophysical classification units to systematically describe terrain. The first unit of this classification is the land region which is an area of land characterized by a distinctive regional climate as expressed by vegetation, soil development and permafrst. The study area includes portions of three land regions: high subarctic, low subarctic and high boreal (Figure 6). The major biophysical and climatic characteristics of these regions are described in Tables III and IV.

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6. Physiographic & Land Regions
HIGH SUBARCTIC
LOW SUBARCTIC
HIGH BOREAL
MID-BOREAL
HUDSON BAY LOWLAND
PRECAMBRIAN SHIELD

TABLE III

CLIMATIC CHARACTERISTICS OF LAND REGIONS IN THE STUDY AREA

Land Region		Mean Temperature, °C			Degree Days 5.5°C May 1-Sept. 30	Frost Free Days	Precipitation, mm		Soil Moisture Deficit, mm
Symbol	Name	Ann.	Jan.	July			Ann.	May 1-Sept. 30	
HS	High Sub-arctic	<-6.6	<-26.1	<16.0	500	60 to 75	340 to 450	210 to 270	10 to 20
LS	Low Sub-arctic	-6.6 to -4.9	-29.1 to -27.5	14.1 to 14.6	500 to 700	70 to 80	415 to 560	265 to 360	20 to 40
HB	High Boreal	-4.9 to -3.9	-27.5 to -26.3	14.6 to 15.8	700 to 900	80 to 90	415 to 560	265 to 360	20 to 60

SOURCE: Mills, et al, 1978

TABLE IV

SELECTED BIOPHYSICAL CHARACTERISTICS OF LAND REGIONS IN THE STUDY AREA

Land Region		Vegetation Zone[1]	Dominant Soils[2]	Organic Landforms	Permafrost Characteristics		
Symbol	Name				Regime[3]	Occurrence and Active Layer, cm	Pattern Ground and Degree of Disturbance
HS	High Subarctic	Forest-tundra transition	Turbic Cryosol Brunisols Organic Cryosol	Peat plateaus, palsas, minerotrophic palsas, peat polygons, fens	Continuous	Mineral soils: sand, non-frozen; loam, 40-100+ Organic soils: forest peat 40-60, fen peat, non-frozen	Hummocks, sorted polygons, circles, stripes, nets; very active on all materials in all landscape positions except well drained sands
LS	Low Subarctic	Open coniferous forest	Brunisols, Luvisols Turbic Cryosol Organic Cryosol Organic	Peat plateaus, palsas, bog veneer, fens	Discontinuous, widespread	Mineral soils: sand, non-frozen; loam, 40-100+; clay 30-100+ Organic soils: forest peat, 40-60, fen peat, non-frozen	Hummocks & mounds, very active in poorly drained depressions & lower slopes; scattered mounding and broad depressions on upper & mid slopes; all materials except sands
HB	High Boreal	Closed coniferous forest	Brunisols, Luvisols Turbic and Static Cryosol Organic Cryosol Organic	Peat plateaus, palsas, bog veneers, fens	Discontinuous, southern fringe, (north)	Mineral soils: sand, loam & clay, non-frozen except for poorly drained loam & clay, 40-100+ Organic soils: forest peat, 40-60, fen peat, non-frozen	Some hummocks and mounds in poorly drained depressions & lower slopes; apex & upper slope generally free of cryoturbation

[1] Rowe, J.S. 1972. Forest Regions of Canada, Department of the Environment, Canadian Forestry Service, Publ. No. 1300.
Ritchie, J.C. 1962. A Geobotanical Survey of Northern Manitoba, Arctic Institute of Northern Manitoba, Technical Paper No. 9.

[2] The System of Soil Classification for Canada. 1978. In press. Canada Department of Agriculture.

[3] Brown, R.J.E. 1967b. "Permafrost in Canada" map Publ. by Div. of Bldg. Res., Nat. Res. Council (NRC 9769) and Geol. Surv. of Can. (Map 1246A).

SOURCE: Mills, et al, 1978

4.2 GEOLOGY AND MINERALS

4.2.1 Bedrock Geology

The precambrian shield in Manitoba is divided into two geological provinces: the Superior Province to the south and east and the Churchill Province to the north. The boundary between these two provinces runs through the study area from west to east. This contact zone which includes the "Thompson Nickel Belt" is considered to have moderate to moderately high potential for economic mineralization (Wall, 1976). In recent years, exploratory drilling has taken place within this zone at Assean Lake, north of Split Lake.

The Hudson Bay Lowlands are underlain by layers of sedimentary rock: limestone and dolostone of Paleozoic age. This rock is believed to have some potential for oil accumulation (Manitoba Energy and Mines, 1980). Exploratory wells have been drilled at several locations and aerial seismic surveys have recently been flown.

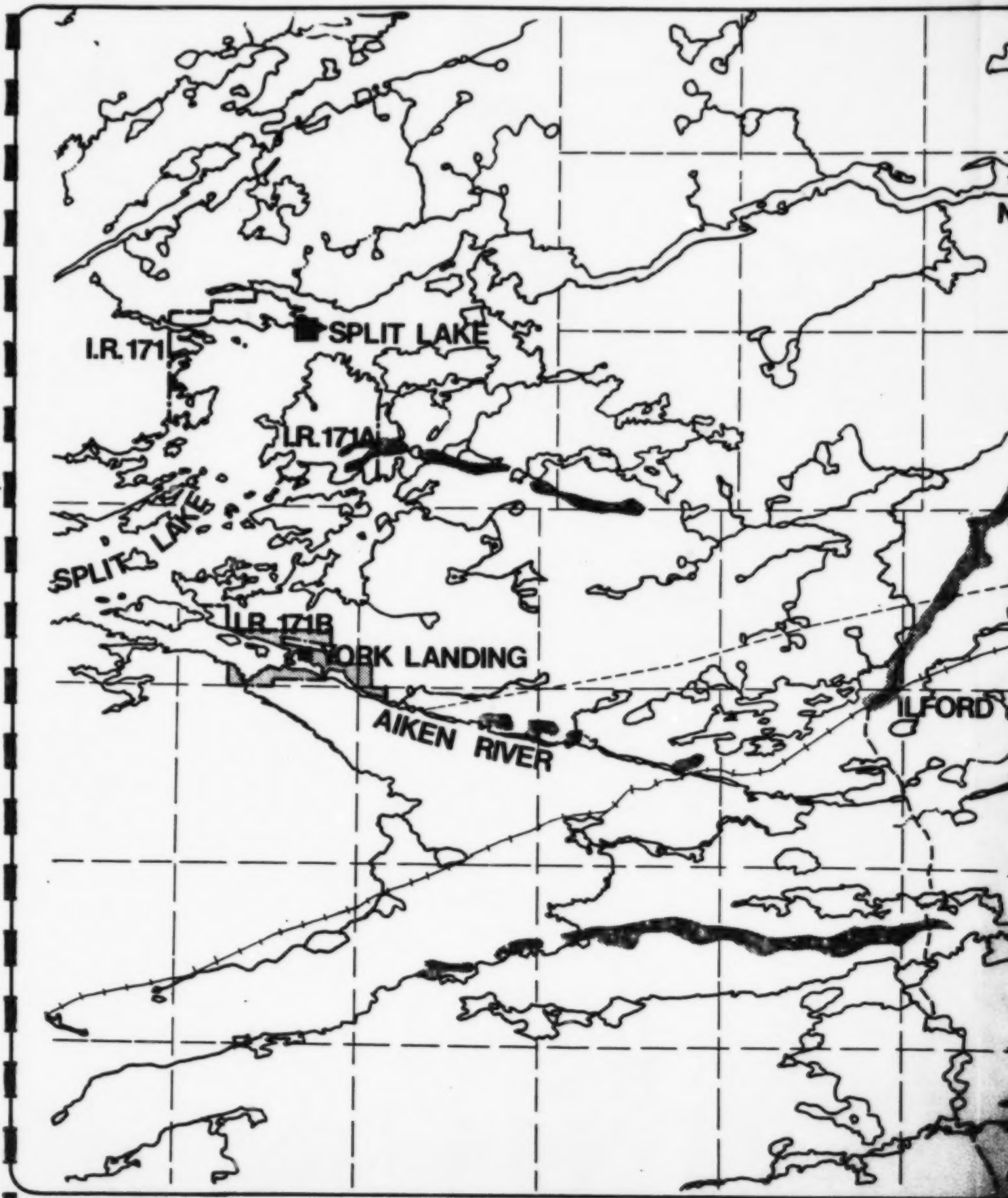
The York Factory Band will have a keen interest in any future mineral development within their resource area. This interest would be related to both the employment opportunities created by such development and concern about any potential environmental impacts which might result. The uncertainty of economic mineral deposits and the high capital costs related to exploration and development limit the possibilities of the Band benefiting from mineral resources through land selection. A more practical approach would be for the Band to utilize such vehicles as Schedule "E" of the Northern Flood Agreement and the Northern Development Agreement to ensure that Band members benefit economically from any future development. Article 15 of the Northern Flood Agreement will enable the Band to address environmental impact issues within their resource area.

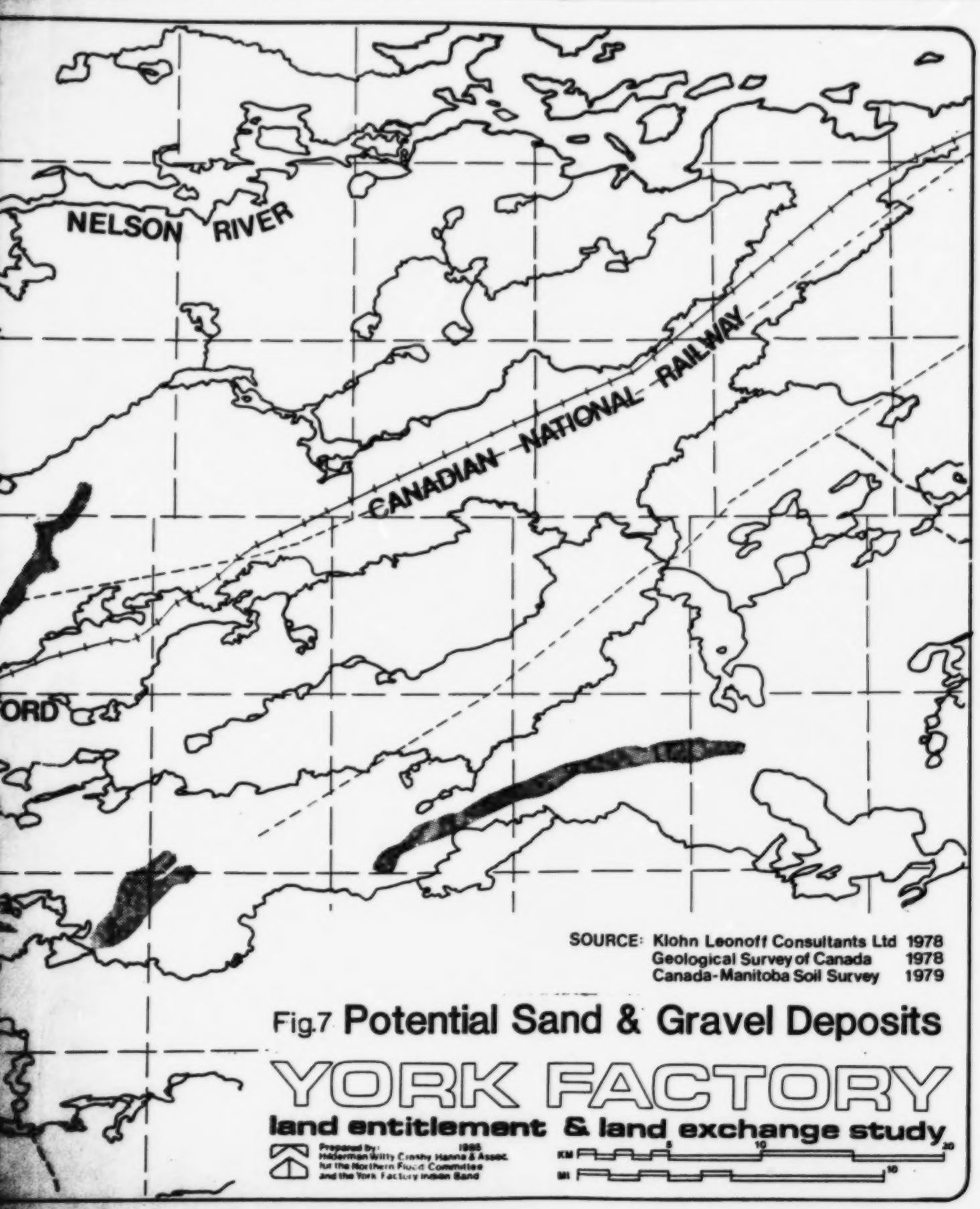
4.2.2 Surficial Geology

The Band has an ongoing need for aggregate for various community uses including roads, building pads, concrete. The community of York Landing uses a gravel pit located on the proposed Reserve. This gravel is also used by the Province to maintain the airstrip and main community road. The supply of aggregate in this deposit is limited and may be exhausted within a few years. Obviously there is a need to identify alternative gravel sources for York Landing. Aggregate may also be required for the development of proposed land entitlement and land exchange parcels.

Within the study area, there are a number of significant potential sand and gravel deposits (Figure 7). Major potential deposits include the east-west oriented esker kame complex near War Lake and Atkinson Lake and the large esker-kame complex located north of Stephens Lake. Unfortunately, neither of these deposits are accessible to York Landing.

A study of potential sand and gravel deposits in the Split Lake-York Landing area was undertaken for the Department of Indian Affairs in 1978 (Klohn Leanoff Consultants Ltd., 1978). This study revealed a limited number of potential deposits located at some distance from both settlements. These deposits were found in two principle locations: within a discontinuous east-west oriented esker extending eastward from Split Lake Indian Reserve 171A; and on the north bank of the Aiken River east of York Landing. The former deposits are believed to have aggregate of sufficient quality and quantity for local community use. The western end of these deposits are accessible from the Split Lake-York Landing winter road. These deposits are included within the proposed Split Lake hold area. The deposits along the Aiken River are located six and 12 miles from York Landing. The more distant deposit, located near the CNR line is believed


SPLIT LAKE
I.R. 171
I.R. 171A
SPLIT LAKE
I.R. 171B
ORK LANDING
AIKEN RIVER
ILFORD



SOURCE: Klohn Leonoff Consultants Ltd 1978
Geological Survey of Canada 1978
Canada-Manitoba Soil Survey 1979

Fig.7 **Potential Sand & Gravel Deposits**

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and the York Factory Indian Band

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to have better potential. These deposits should be accessible from the York Landing-Ilford winter road. Another possible deposit, not identified in the Klohn Leanoff study may exist on the York Landing Reserve north of the airstrip. However, this deposit is unconfirmed.

4.3 TIMBER

The best source of information on forest cover in Manitoba is the Manitoba Forest Inventory. The Forest Inventory records forest cover by township at scales of 1" to 20 chains and 1" to 40 chains. The forest cover is separated into stands according to species composition, site characteristics, cutting class and crown closure. As most of the study area is located north of the boundary of the Manitoba Forest Inventory, information on forest cover characteristics is very limited. Where forest inventory data was unavailable, other information sources including landsat imagery and biophysical mapping were utilized.

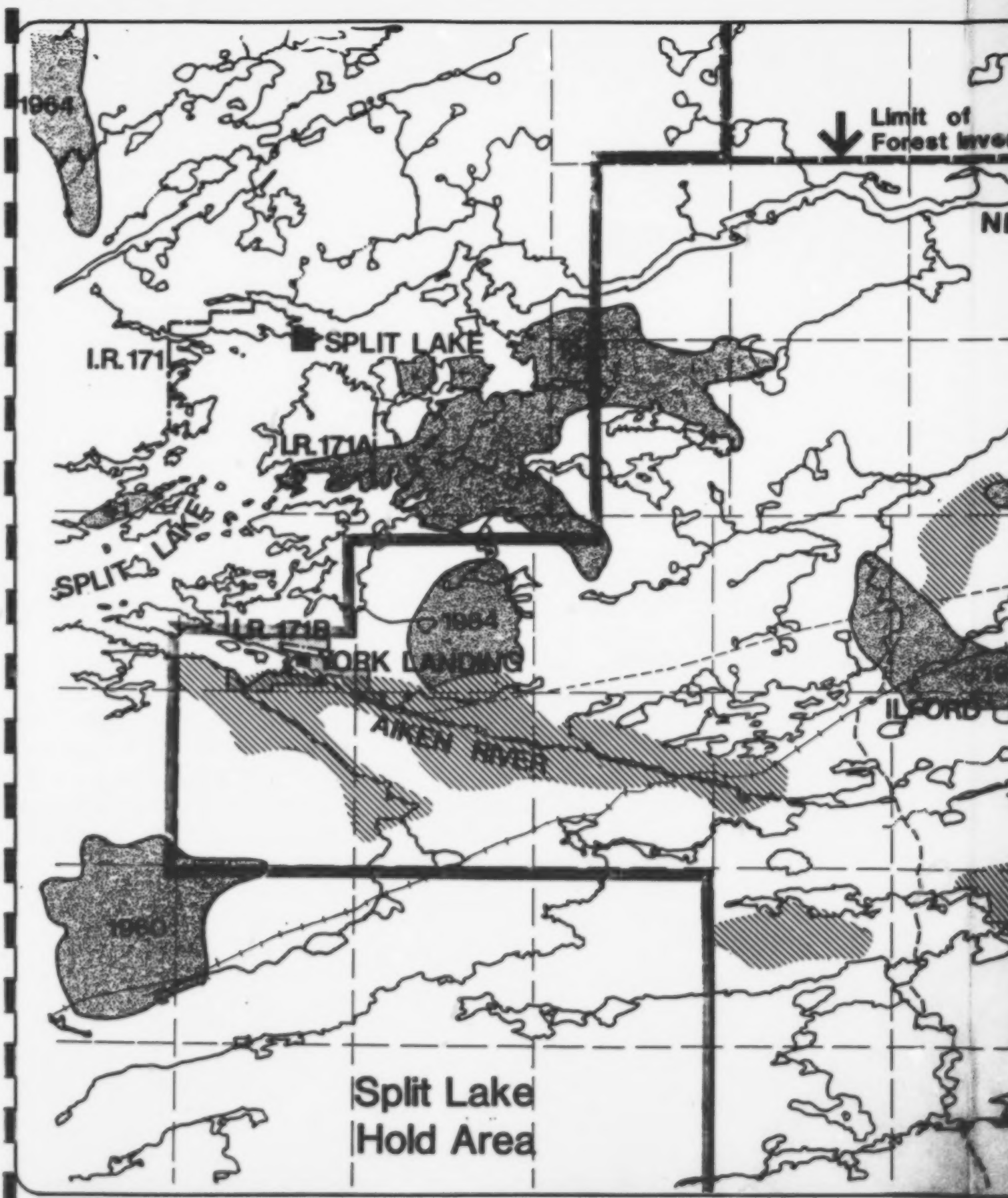
The analysis of forest resources was directed towards the identification of intermediate and mature stands of commercial timber and lands with higher capability for forest production. Potential commercial timber in the study area is limited to white spruce, black spruce and jack pine with the last two species being most abundant. Mature timber (cutting class 4) consists of trees of sufficient size and age to permit immediate cutting. Intermediate timber (cutting class 3) consists of trees which are not yet ready for cutting but which will be mature within 10 to 60 years.

Areas with higher capability for forest production are generally those lands with deep, well-drained soils. Some of these areas support stands of mature and intermediate timber but others, due to forest fires or other factors, support smaller, immature timber. These latter areas are still of interest as they will be the location of mature timber in 60 to 100 years time (assuming no additional forest fires).

Due to northern climate, poor access, remoteness to markets, extensive unproductive soils and fire history, the potential for large scale commercial forestry in the region appears to be limited. The land within the study area is predominantly flat and poorly drained with extensive bog, fen and open confiferous forest cover. The trees that grow in such conditions are generally stunted and sparsely disturbed. Larger and denser tree growth occurs where soils are better drained and more fertile. Typically tree growth is superior adjacent to lakes and along the banks of rivers. However, the small quantity of such timber limits its potential for commercial production. Further, cutting adjacent to waterbodies can cause harmful impacts on fish and other aquatic species. Such timber may have potential for selective winter cutting for community use, however.

The best stands of timber in the study area, in terms of the size of trees and density of forest cover, tend to be found on the major glacio-fluvial landforms in the study area. While much of the forest cover on these soils is immature and will not be suitable for harvesting for several decades, there are a number of significant stands of merchantable timber. While isolated, these stands may have potential for commercial harvesting given their relatively large size and potential for winter road access. The most significant of those stands are located immediately south and east of York Landing, northeast of Moose Nose Lake and along an east-west oriented ridge between War Lake and Atkinson Lake. Figure 8 shows the distribution of merchantable stands and recent forest fires in the vicinity of York Landing.

Other land areas with capability for timber production are better drained morainal deposits such as those west of Little Kettle Lake. Currently forest cover consists of immature black spruce. However, in time, this area may produce merchantable timber suitable for extraction.


1964
Limit of
Forest Inve
NI
SPLIT LAKE
I.R. 171
I.R. 171A
SPLIT LAKE
I.R. 171B
1964
ILFORD
AIKEN RIVER
1960
Split Lake
Hold Area

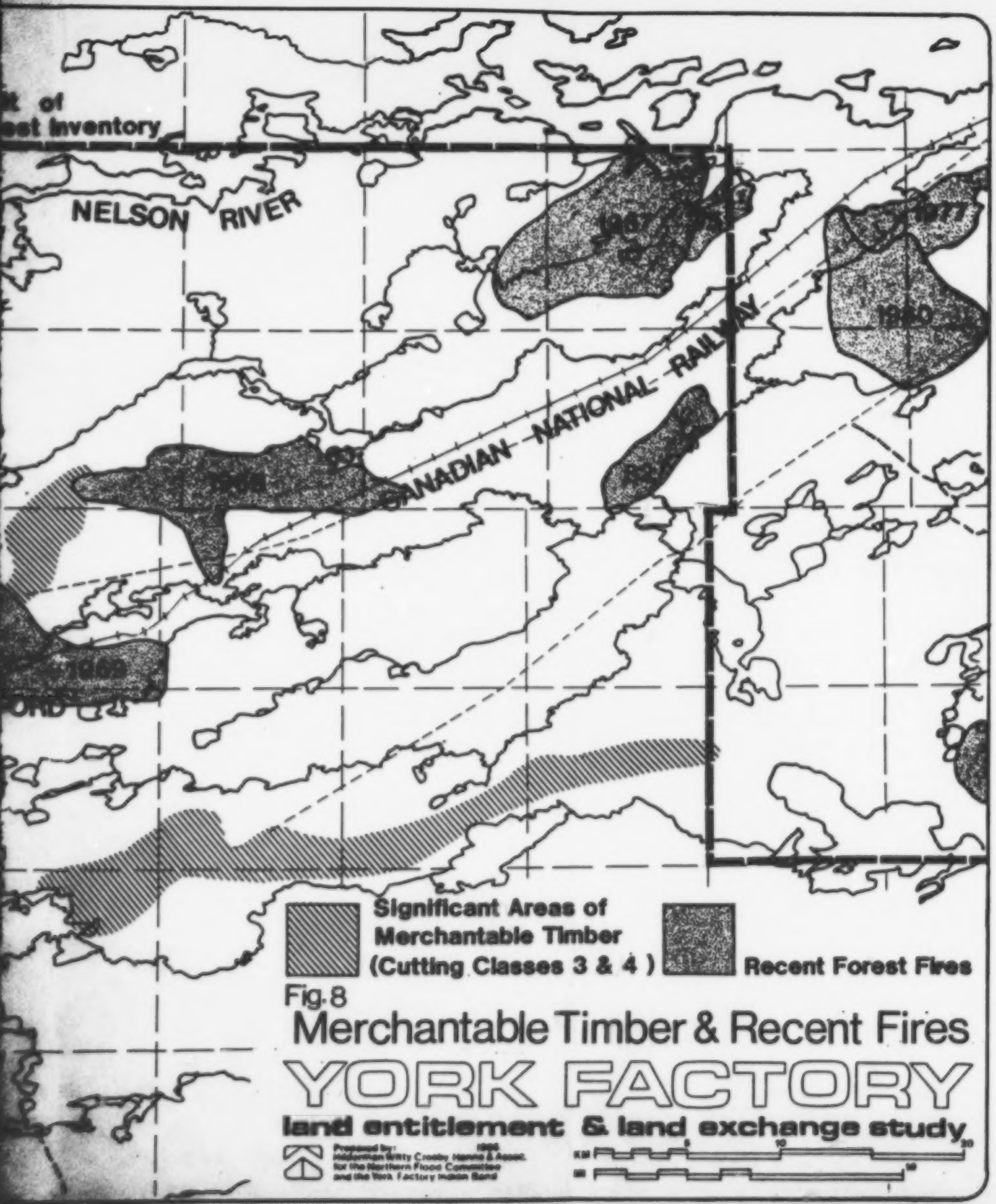

NELSON RIVER
CANADIAN NATIONAL RAILWAY
Significant Areas of Merchantable Timber (Cutting Classes 3 & 4)
Recent Forest Fires

Fig. 8

Merchantable Timber & Recent Fires

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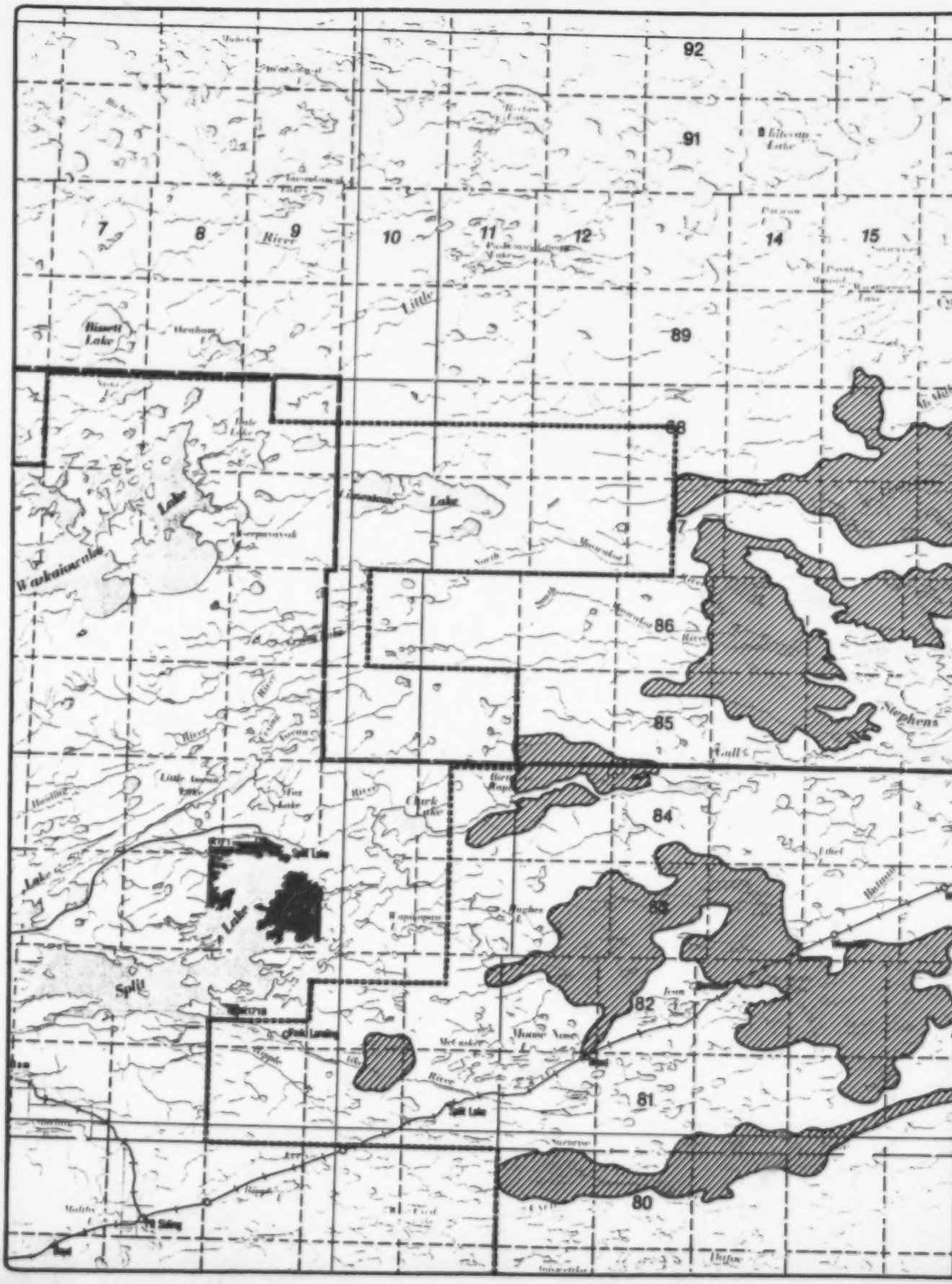
and the York Factory Indian Band

The limit of Forest Inventory is generally associated with the limit of the commercial forest, i.e. the forest which is suitable for sustained commercial harvesting. Analysis of landsat imagery, surficial geology mapping and the biophysical inventory indicate that there are areas outside of this limit which may have potential for small scale and selected harvesting particularly given recent and future access improvements. The most significant of these areas is the large esker-kame complex located north of Stephens Lake. The species mix, cutting class, density and distribution of trees in this area is unknown due to lack of data. However, topography and soil characteristics indicate good capability for forest growth. More detailed information is required to determine if commercial forest harvesting in this area is feasible. Figure 9 shows the distribution of land with higher forest capability.

The quality and distribution of timber in the study area do not appear to be sufficient to sustain a commercial sawmill operation in York Landing. The predominant species (black spruce and jack pine) are not generally used for lumber production. Furthermore, most of the stands are remote from York Landing and logs would have to be transported long distances over winter trail to the sawmill. Better potential exists for harvesting timber and hauling it to the railine or Thompson-Gillam road for shipment to The Pas or other processing centres. The timber in the vicinity of York Landing has potential to meet community needs for rough lumber and logs for porches, boardwalks, outbuildings and other structures. Consequently, a small community sawmill or portable sawmill could make use of the local resource.

More investigation is needed to determine the economic potential of all timber stands in the region. The feasibility of commercial harvesting will depend on the size, distribution, composition and density of the stands, accessibility and market conditions. Current provincial and world markets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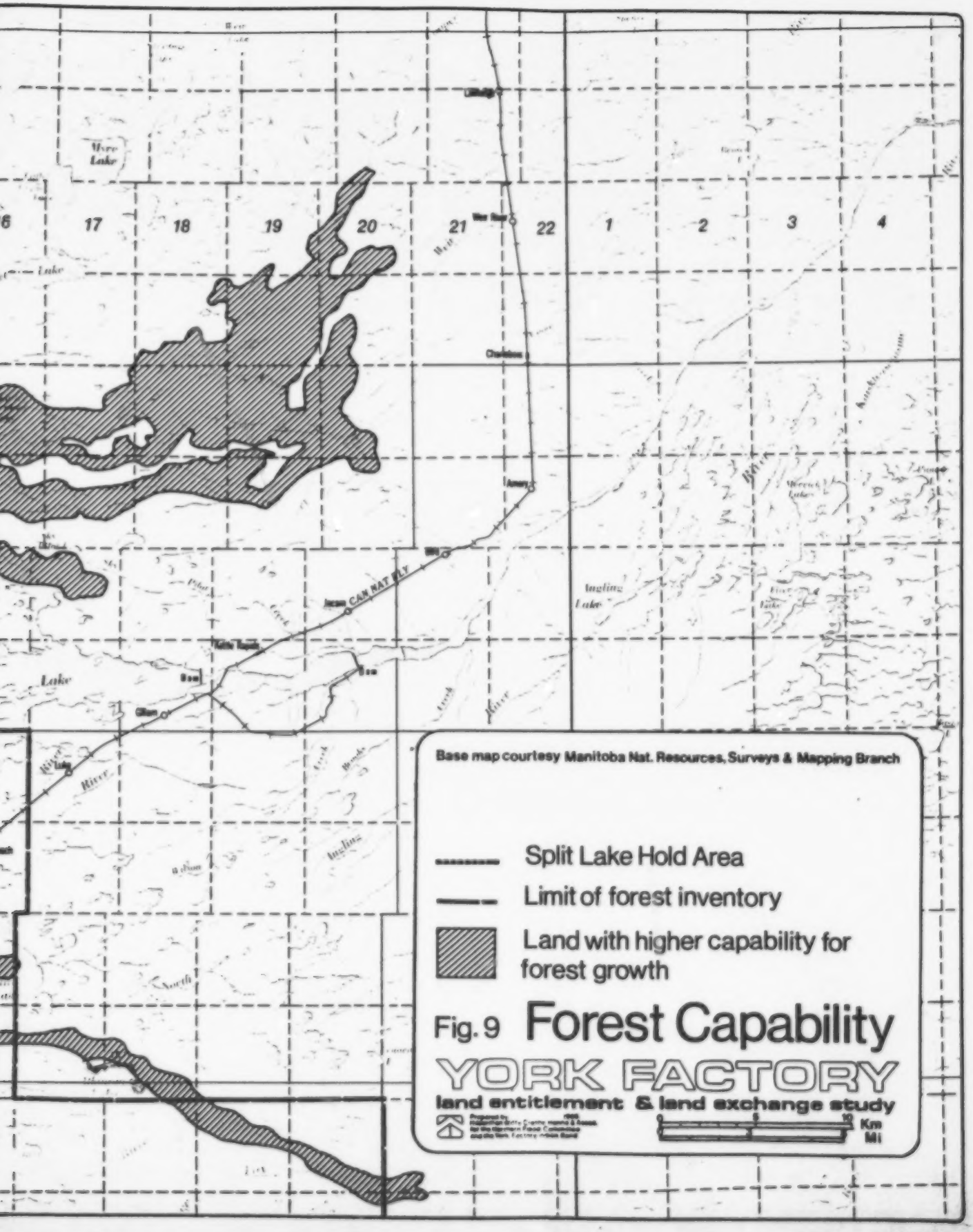
Split
Stephens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Lake
Inglina Lake
CAN NAT FLY
Base map courtesy Manitoba Nat. Resources, Surveys & Mapping Branch
Split Lake Hold Area
Limit of forest inventory
Land with higher capability for forest growth
Fig. 9 Forest Capability
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for wood products do not favour the initiation of new wood harvesting and processing industries. This situation may change in future thereby increasing the significance of immature timber. Furthermore, the potential environmental impact of forest harvesting in this northern region must be addressed. Impacts on soil and wildlife from timber cutting may be increased by the slow rate of forest regeneration.

4.4 AGRICULTURE

While the climate and remote location of the study area are major limitations to large scale agricultural development, some potential exists for the production of specialized crops for community use in the York Landing area. The soils of the York Landing area were examined using the Biophysical Inventory, surficial geology and forest inventory maps to identify those areas with the best potential for agricultural production. Reference was also made to a study on northern agricultural land resources prepared for the Manitoba Department of Agriculture (Pitura, 1981). At a very general level, the soils of the York Landing area can be placed into four categories: well to imperfectly drained, deep clay and loam soils; sandy, ice-contact and outwash deposits; discontinuous bedrock; and organic soils. The well to imperfectly drained, clay and loam soils offer the best potential for agriculture but are limited by massive soil structure, severe surface crusting when cultivated, excess soil moisture and low nitrogen supplying power. The sandy, ice-contact and outwash soils have less potential due to dryness and inherent low fertility. Discontinuous bedrock is generally unsuited for agriculture because of the shallow soil, dryness and rugged terrain. The organic soils which are widespread in the Resource Area are essentially not suitable for agriculture due to wetness and the presence of permafrost.

Suitable areas for small scale agriculture and community gardens can be found within and around the proposed York Landing Reserve. These sites tend to be isolated and relatively small in size being separated by areas with poor drainage and organic soils.

Potential agricultural uses include raising of livestock and wild game, production of field crops and market gardening. Crop trials at Wabowden and The Pas show that there is potential in the north for the production of coarse grains (eg. barley) oil seeds and forages. Market gardening of a wide assortment of vegetables is viable given the appropriate choice of hybrids and sheltered locations. Dairy products, meat, eggs and vegetables could be sold locally and to other northern communities. Potential may also exist for specialized berry production.

4.5 FISH

Fish has traditionally been an important component of the northern diet particularly at times of the year when game is scarce. From the start of this century, the commercial harvesting of fish has provided jobs and income for nothern residents. Even more recently the northern fish resource has allowed the development of a major tourist industry which attracts sport anglers from Canada, the United States and around the world. To the members of the York Factory Band, the regional fish resource is important as a source of food and recreation and as a potential source of income and employment.

4.5.1 Sport Fishing

The major lakes and rivers in the study area were examined to assess potential for sport fishing. Sport fishing potential was determined by the composition of fish species in the lake, lake size and productivity,

existing use, scenic quality, location and access. Preferred lakes have significant proportions of lake trout, pickerel and northern pike. Larger, more productive lakes have greater capability to sustain a viable commercial sport fishing operation. Lakes with incompatible or competing uses are less desirable. A remote, isolated location and attractive setting are important to the quality of recreation experience. Good access (i.e. by float plane or wheeled aircraft) is also important to reduce travel time and costs.

Within the study area there are some nine or ten lakes with significant sport fishing potential (Table V , Figure 10). One of these lakes, Waskaiowaka, already supports a sport fishing lodge operation, although the fishery may have some residual capacity. Two other lakes, Limestone and Atkinson, each have a fishing outcamp. Four of these lakes have sites identified by the Split Lake for selection as land exchange areas. The Fox Lake Indian Band has an unoccupied Reserve on the north shore of Atkinson (Fox) Lake. Five of these lakes have been fished by commercial net fishermen within the last five seasons.

The lakes with the best potential for development of commercial sport fishing are Angling Lake, Dafoe, Gunn, Diana and Joy Lakes and Little Limestone Lake.

Angling Lake has a good variety of sport fish species and is located with good floatplane access from Gillam and the Limestone Generating Station site. The lake is currently a popular sport for anglers from the Gillam area. However, terrain conditions on shoreline and backshore areas are unsuitable for development of a lodge or outcamp.

Dafoe Lake has a good variety of sport fish species but has a limited angling capacity for commercial development. The lake may have potential for a commercial operation in association with three neighbouring lakes: Gunn, Diana and Joy. Diana and Joy offer significant sport angling with 94% of the fish population being northern pike.

TABLE V

POTENTIAL SPORT FISHING LAKES
SPECIES COMPOSITION, ANGLING CAPACITY & EXISTING USE

LAKE	SPECIES COMPOSTION (%)	NUMBER OF POTENTIAL SPORT FISHING BEDS		EXISTING USE
		High Quality	Trophy Quality	
Angling	Wh-35, Wa-25, Pk-14, Ot-23	4.5	3.0	- unorganized camping, commercial fishing
Assean/Little Assean	Wh-87, Wa-9, Pk-4	7.3	4.8	- unorganized camping, Split Lake land exchange area, commercial fishing
Atkinson	Wh-72, Wa-8, Pk-20	7.3	4.8	- Fox Lake Indian Reserve, commercial fishing, outcamp
Cygnet	Wh-67, Tr-33	Unknown	Unknown	- Split Lake Land exchange area
Dafoe	Wh-37, Wa-25, Pk-22, Ot-16	3.6	2.4	- commercial fishing
Diana/Joy	Pk-94, Ot-6	1.8	1.2	-
Gunn	Unknown	Unknown	Unknown	- approval for outcamps in past nothing at present
Little Limestone	Wh-48, Wa-24, Pk-28	3.6	2.4	-
Limestone	Wh-56, Wa-40, Pk-4	3.6	2.4	- outcamp, Split Lake land exchange area
War	Wh-84, Wa-10, Pk-6	1.0	0.6	- War Lake Band land entitlement selection, commercial fishing
Waskaiowaka	Wh-77, Wa-19, Pk-3, Tr-1	60.9	40.6	- fishing lodge, Split Lake land exchange area

SOURCE: Manitoba Fisheries Factbook

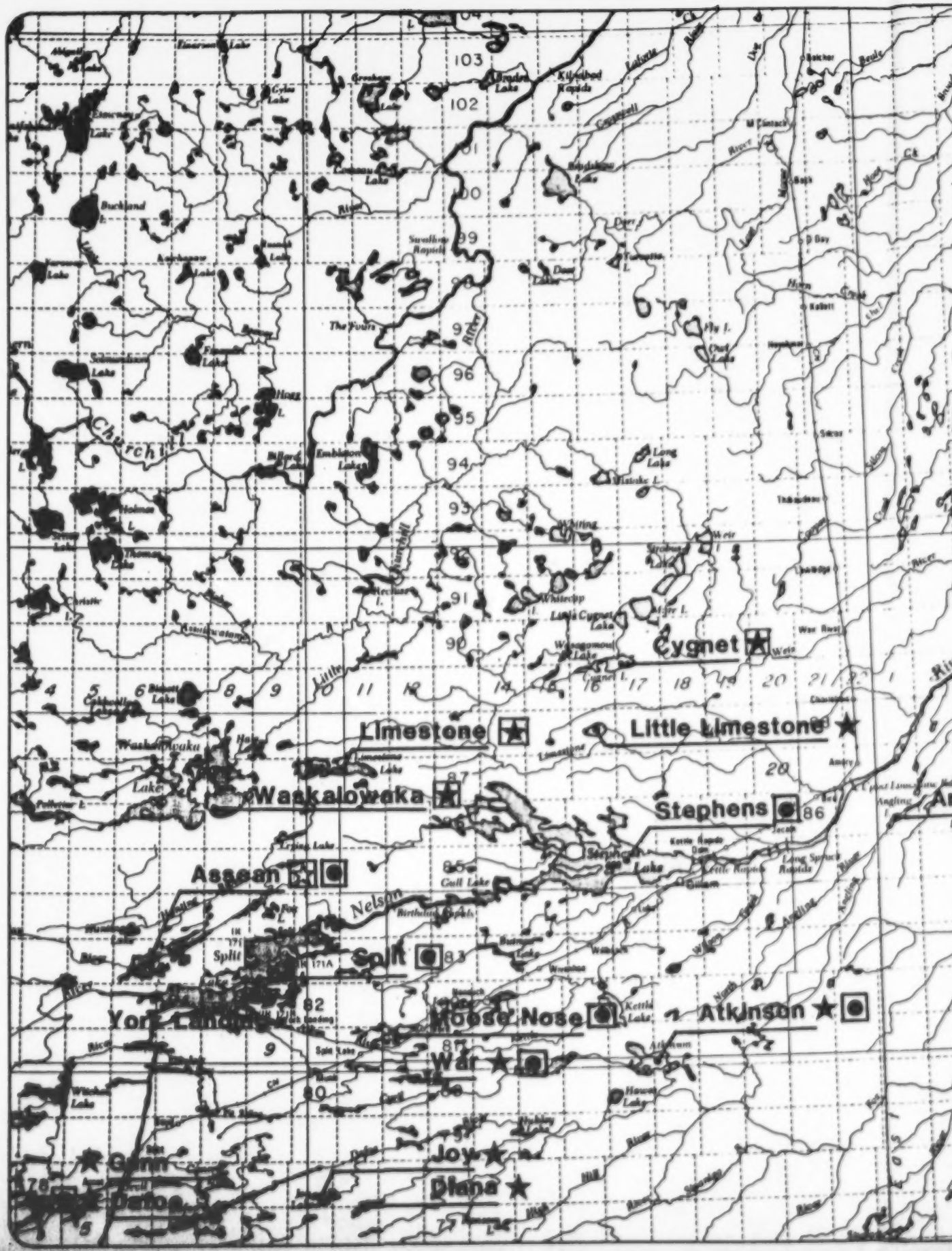
Cygnet
Limestone
Little Limestone
Waskaiowaka
Stephens
Assean
Split
Moose Nose
Atkinson
War
Joy
Diana
Nelson
Little
Churchill

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Fig.10 Fisheries Reso
★ Sport Fishing Lakes
Existing or Proposed Lo
Commercial Fishing Lak
Fished in last 5 years

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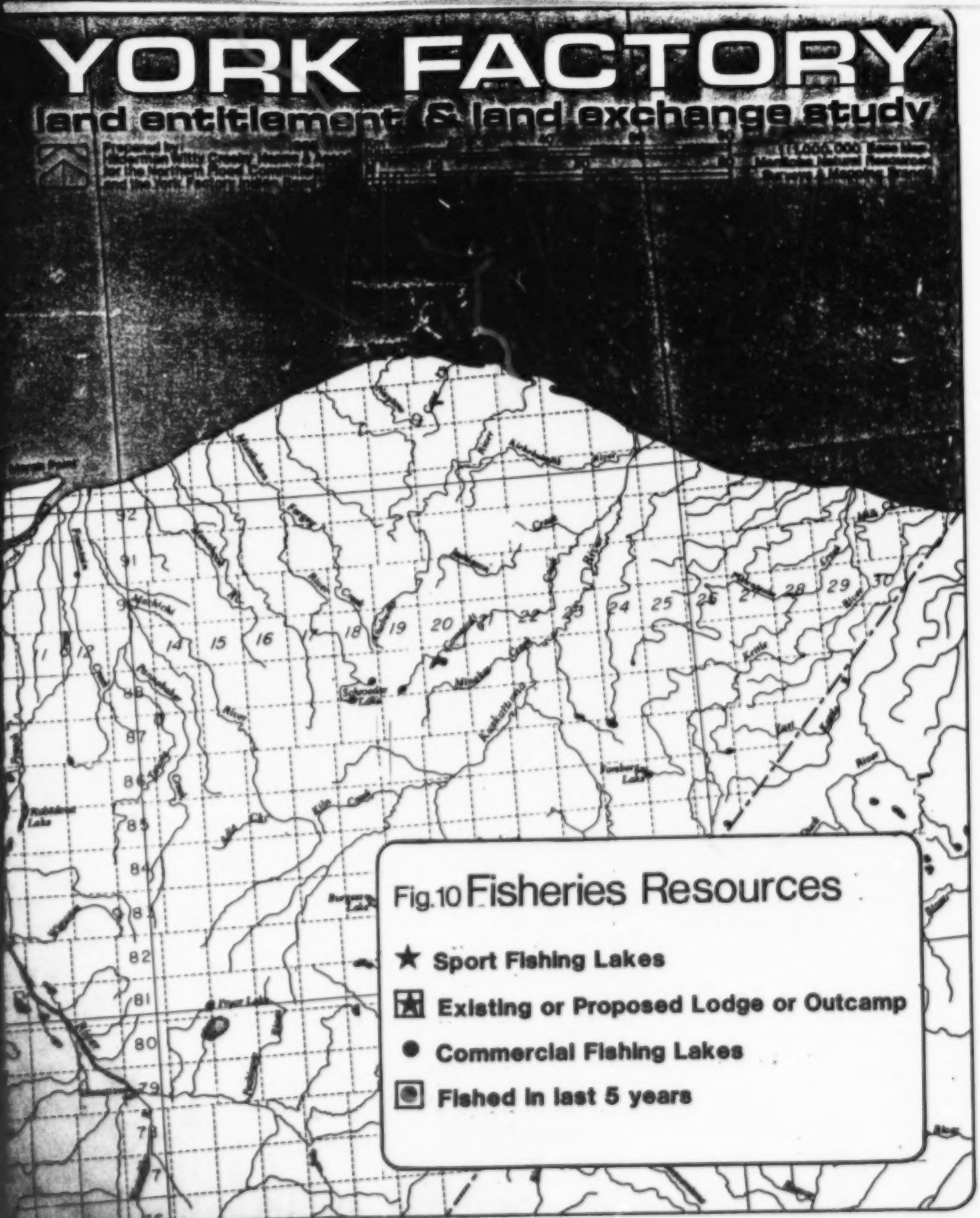


Fig.10 Fisheries Resources
★ Sport Fishing Lakes
Existing or Proposed Lodge or Outcamp
● Commercial Fishing Lakes
Fished in last 5 years

Pickerel and pike make up a significant portion of Little Limestone Lake's fish population. While the angling capacity of the lake is limited, high water quality and dramatic scenery increases the potential of this lake for recreational fishing.

Another unique fishery in the region is the sea-run brook trout which is found in the rivers and creeks at the mouth of the Hayes and Nelson Rivers.

4.5.2 Commercial Fishing

Lakes in the study area were examined to determine their potential for commercial and domestic fish production. Lakes which presently support commercial fishing were identified and the catch records, quota size, fish quality and identity of fishermen noted. The potential of other lakes not fished commercially at present was assessed in terms of quota size, species mix, fish quality and existing use.

Lakes with the best potential for commercial fish production have high proportions of pickerel and whitefish, large quotas and road access. Pickerel must be below the maximum allowable mercury content and whitefish should be Class A quality. Lakes not accessible by road have potential where the proportion of pickerel is high or the quota is large. Lakes on the Nelson River System with fisheries which have been detrimentally affected by flooding or water level fluctuations may have potential for future commercial fish production given a reduction in mercury content in pickerel, an increase in whitefish quality and completion of remedial measures.

Eight lakes in the study area have some potential for commercial and domestic net fishing (Figure 10). Seven of these lakes have been fished commercially by residents of other communities within the last five years. Only two of the lakes have Class A quality whitefish. Only three of the

lakes: Split, Stephens and Assean are accessible by road. Three sturgeon fisheries are located within the study area. Commercial production on these rivers has been low during the last five years. Table VI shows the quotas and production for the commercial fishing lakes and rivers in the study area.

The potential for expansion of commercial fishing in the study area is limited. All but one of the lakes with commercial fishing potential are currently being fished by licensed fishermen. The potential of Angling Lake, the one lake which is not being fished, is limited by the lower quality of whitefish and lack of road access. There may be potential for a commercial fishery which utilizes pickerel which accounts for an estimated 25% of the fish population.

The available quota appears to be being underutilized on some lakes, specifically: Atkinson, Dafoe, Stephens and Split. The first two lakes are limited by poor quality whitefish and lack of road access. The potential of Stephens Lake is limited by high mercury content in pickerel and pike and presence of cutter quality whitefish. Should the quality of fish improve in the future, this lake would be an excellent commercial lake given its large size and road access.

The best potential for further utilization of the regional fishery resource appears to be to increase production of the Split Lake Fishery. Quota production on Split Lake has averaged approximately 25,500 kg or 56% of quota over the last five years. The fish population includes export quality whitefish and 31% pickerel. The lake is also accessible by road. The pickerel fishery was shut down for several years in the early and mid-seventies due to excessive mercury levels. The high mercury levels have been attributed to flooding on the Burntwood and Nelson Rivers. Split Lake fishermen also blame hydro development for declining fish quality and

TABLE VI

COMMERCIAL FISHING LAKES
QUOTAS & PRODUCTION
1980 - 1984

LAKE	QUOTA (KG.)	QUOTA SPECIES	WHITEFISH CLASSIFICATION	QUOTA PRODUCTION (KG.) 1984	1983	1982	1981	1980
Angling	11,340	Wa, Wh	B	No Activity Since 1978			-	-
Assean	4,600	Pk, Wa	C	5,956 (10,561 Wf)	3,463 (22,438 Wf)	5,605	-	-
Atkinson	18,200	Wa, Wh	B	1,326	2,448	2,832	22,440	12,326
Dafoe	9,100	Wa, Wh	B	4,289	8,256	176	-	1,901
Moose Nose	3,200	Wa	C	2,612 Wh,Pk	2,175	-	-	-
Split	45,400	Wa, Wh, Pk, Go, Sa	A	16,287	13,933	32,830	41,781	22,487
Stephens	20,000	Wa, Wh	C	386	569	-	5,765	901
War	3,200	Wa, Wh	A	2,857	2,080	133.2	4,411	7,876
Nelson River	1,400	Sturgeon		-	-	-	-	824
Nelson River	1,000	Sturgeon		-	-	-	-	-
Fox River	1,400	Sturgeon		615	379	-	-	1,202

Quota Species: Wa - Pickerel, Pk - Pike, Wh - Whitefish, Go - Goldeye, Sa - Sauger

SOURCE: Manitoba Commercial Fishing Branch

damage to nets caused by floating debris. Further negative impacts on the Split Lake fishery are anticipated with the future construction of the Birthday Rapids generating station (Lower Nelson Overview Study, 1981). Until then, however, the Split Lake fishery appears to have potential for additional fishermen. While the Split Lake Band claims exclusive fishing rights, officials of the Provincial Fisheries Branch have stated their willingness to issue licenses to York Landing residents who apply. Loans and training programs are available through federal and provincial agencies to assist Band members to take up fishing.

4.6 WILDLIFE

The study area supports a diverse wildlife population which includes species of taiga, tundra and marine environments. Certain wildlife species occur in abundance but, generally, wildlife populations are more sparse than in regions to the south. There are some significant exceptions to this rule, however, including: geese, caribou, polar bears and ptarmigan. In fact, the coastal areas of the region support one of the greatest concentrations of polar bears and Canada Geese in the world.

The following is a description of the major wildlife species in the study area.

4.6.1 Moose

The regional distribution of moose was described in the Lower Nelson Overview Study (Richmond et al, 1981) as follows:

> Moose are present in uneven and low density in the lower Nelson region compared to their occurrence in many other parts of Manitoba. They are usually associated with more heavily treed places such as along Kettle and Limestone Rivers and near the mouths of several other streams. Althugh there are more trees in

the Split Lake country, there is really not enough areas of marsh, willows and other deciduous browse to be ideal habitat. The transition zone between Precambrian and Hudson Bay Lowland offers the best conditions for moose in the lower Nelson. Browse is often the only food available to moose in the winter, but they will eat forbs, grasses and other non-woody items in shoreline habitat depending upon the depth of snow.

Predation upon moose in the lower Nelson is little different from predation elsewhere in the province and man's access is the key to hunting pressure. Roads and waterways in the area provide access. While not included in this report, information on the number of big game hunting licenses issues at Gillam is recorded by the Department of Natural Resources. Registered Indians are not required to be licensed when hunting for food.

4.6.2 Caribou

The regional distribution of caribou was described in the Lower Nelson Overview Study (Richmond et al, 1981 as follows:

> Woodland Caribou are found in light density between the Nelson and Hayes rivers near the Angling lakes and have been recorded in the upper reaches of Roblin River. In the Hudson Bay Lowlands open forest and muskeg provide lichens and other forage for caribou. The shore of the Nelson River estuary is part of the range of caribou which live along the coast.

> Thirty years ago caribou were seasonally seen in considerable numbers on the banks of the Nelson and they cross the river in the vicinity of Deer Island which offered a midstream resting place. These may have been barren ground caribou and they do not come this far south anymore. Hunters from York Factory used to come to the mouth of Roblin River for fresh meat in late summer, and Gillam people killed caribou that were crossing the railway north of Amery. It is believed that all caribou now present in the lower Nelson are the woodland species. The domestic (native) kill of moose and caribou in the region has not been determined.

The estimated population of woodland caribou within the Cape Churchill WMA is 1,000 individuals. These animals tend to concentrate along the coastline during the summer and travel inland to their winter range. One hundred caribou hunting licenses are issued within the WMA annually (Teillet, 1982).

4.6.3 Polar Bears

The study area includes one of the largest concentrations of polar bears in the world. Major denning areas are located in the vicinity of the Owl River to the north of the Nelson River and the Anabusko River south of Cape Tatnam. While pregnant females remain inland in their maternity dens, the remainder of the bears spend the winter on the sea ice of Hudson Bay. When the ice has melted in spring, the animals congregate on the capes and headlands along the coast. Towards the end of the summer, the bears migrate along the coast concentrating at Cape Churchill to the north of the study area and Cape Tatnam. Over 200 polar bears return to the Cape Tatnam-Anabusko Island area each year (Howard, Robertson, 1976).

The concentration of polar bears east of the town of Churchill has become a major tourist attraction, with visitors coming from around the world to view the bears. The Cape Tatnam population may also have potential for similar forms of tourism although the area is less accessible and the concentration less spectacular.

Land use development should avoid the Cape Tatnam area due to the potential for conflict between polar bears and humans.

4.6.4 Furbearers

Generally, furbearer productivity tends to decrease as one moves from west to east in the study area. The density and diversity of furbearers tend to be higher in the Split Lake Block than in coastal areas due to the greater diversity of habitat and more productive forest cover found in the south and west. However, some species of furbearers are more abundant (eg. arctic fox, marten) in the northern and northeastern portions of the study area. Further, furbearer populations in the York Factory area have apparently increased as the area has not been trapped consistently for a number of years.

The study area includes portions of three registered trapline sections: Split Lake, Shamattawa and Limestone. Of these three sections, the Split Lake block provides the most furs and has the largest number of active trappers. From the period 1979 to 1983, the average value of production was $184,336.00 with an average of 126 trappers.

The York Factory Band has been allocated one trapline within the Split Lake Block (trapline 13) for community use. Eleven trappers from York Landing are registered to use this trapline.

When they resided at York Factory, the York Factory Band had their own trapping area: the York Trapline Section. The York R.T.L. was dismantled some years following the Band's relocation to York Landing and the traplines were absorbed by the neighbouring Limestone and Shamattawa trapping blocks. In recent years, trappers from the York Factory Band have returned to their traditional trapping area to trap.

Individual trapline records are not available for the Shamattawa R.T.L. Most trapping activity is concentrated in the southern portion of this R.T.L. near the community of Shamattawa.

Table VIII is a summary of fur production for the Limestone and Shamattawa R.T.L. sections including the former York-Kaska trapping block. Beaver is the major furbearer in terms of quantity of pelts trapped. In past years, significant numbers of muskrat, marten, white fox and red fox have been trapped. Prior to 1962 and the dissolution of the York and Kaska R.T.L. sections, ermine and mink were major species trapped.

4.6.5 Seals and Whales

The regional seal and whale populations are described in the Lower Nelson Overview Study (Richmond, et al, 1981) as follows:

> Harbour, ringed and bearded seals occur in or near the mouth of the Nelson River. Ringed seals are year round residents in the estuary. Seals haul out on Seal Island and on the base of the railway dock structure at Port Nelson. There is no present use being made of Nelson River seals and their potential value is mostly educational. They enter short distances into tributary streams and have been seen in South Seal Creek in the first rapids.

TABLE VII

MANITOBA
DEPARTMENT OF MINES, NATURAL RESOURCES AND ENVIRONMENT

Fur Crop Census

Season _____

Section Limestone & Shamattawa
York-Kaska

No.	YEAR	BADGER	BEAR	BEAVER	COYOTE	ERMINE	FISHER	FOX, Blue	FOX, Cross	FOX, Red	FOX, Silver	FOX, White	LYNX	MARTEN	MINK	MUSKRAT	OTTER	RABBIT, Jack	RACCOON	SKUNK	SQUIRREL	WOLF, Timber	WOLVERINE	VALUE
	1982-83																							
44	1981-82		1	325		33	2		11	48	6	4	6	58	35	87	23				48		1	17 7 3 3 88
43	1980-81		1	418		20	2		19	30	4	2	5	189	30	60	32				46			29 9 3 1 41
70	1979-80		1	1319	2	15	4		35	108	4	177	12	265	38	137	49				90	8	4	90 7 5 2 70
57	1978-79			926		7	9		15	78	8	4	30	117	66	113	80				38	3	2	67 0 1 2 10
58	1977-78			915		22	4		16	48	2	132	17	36	69	180	47				59	3		39 2 4 4 90
42	1976-77			283		19	12	1	7	14		62	3	37	34	135	25				39	5		16 0 5 3 73
41	1975-76			889		26	2			6		4	2	22	27	859	58				52	8		27 4 2 0 30
42	1974-75			967		18	6		5	6		37	5	14	22	194	40				41	1		19 5 7 2 93
40	1973-74			810		2	2		8	13			22	35	16	93	38				11	1		21 7 5 2 40
	1972-62	Records not available or incomplete																						
53	1961-62			595		231			4	27		62	35		381	480	90				305			
53	1960-61			829		185			1	4		1	55		507	738	128				448			
49	1959-60			494		240			13				55	32	409	368	94				354			
66	1958-59			639		536			3	13		5	10	45	664	1247	130				517			
	1957-58	MOVE TO YORK LANDING																						
69	1956-57			401		70				95			2	13	153	1089	122				32			
87	1955-56			634		2964			(37)	115		265	11	29	805	1375	174				280			
85	1954-55			950		498			(52)	151		9	25	36	993	2169	258				638			

York - Kaska

BG-6286

White whales, or beluga, live in Hudson Bay and in the summer they enter the estuary of the Nelson River with incoming tides and move farther offshore with the ebb. These whales are small, up to 4.3 m in length and are plentiful. An aerial count estimated about 1,500 in the estuary on July 15, 1974 (Didiuk, 1975). Assuming that their habitats are similar to those entering the mouth of the Churchill River (Doan and Douglas, 1953), they do not eat much freshwater fish while in the mouth of the river. River water turbidity may affect whales' sighting of prey, but most of their food is derived from the bottom and midwater farther offshore in the bay where the water is clear.

White whales have very good hearing and become adept at avoiding outboard engines and the sound of gunfire where they are hunted intensely. As an aesthetic part of the natural environment, they are of educational interest to visitors. Very minimum commercial use is made of them now that few people live at York Factory and there are no sleigh dogs to be fed.

The viewing potential of seals and whales at the mouths of the Hayes and Nelson Rivers present opportunities for tourism development in the York Factory area.

4.6.6 Geese

The coastal region of the study area is a major production and molting area for Canada Geese and a major staging area for snow and blue geese. It is estimated that over 70,000 geese occupy the Cape Tatnam WMA during September (Howard, Robertson, 1976). As a result of this concentration, the area is a major focus for goose hunting. A total of four goose hunting

camps have been developed along the Hudson Bay coast east of the Hayes River, two are currently operating. A 1976 study of the Cape Tatnam WMA determined that potential exists for development of four additional goose hunting camps along the cost.

4.6.7 Ptarmigan

Willow ptarmigan inhabit the coastal region year round. They are concentrated primarily on beach ridges east of Cape Tatnam. Rock ptarmigan are winter residents in the region (Howard, Robertson, 1976).

4.7 DEVELOPMENT CAPABILITY

Areas proposed for land exchange and land entitlement were examined using aerial photographic interpretation and other pertinent material to determine their capability for development. Land capability was assessed based on the following criteria:

- topography (slope, relief)
- soil depth
- soil drainage
- vegetation
- shoreline typology (where applicable)

Topography: Steeper slopes (i.e. greater than 15%) are unacceptable for most forms of development. These slopes inhibit vehicular movement, increase the difficulties of foundation construction and are sensitive to soil erosion. Flat sites (eg. less than 3% slope) tend to have insufficient drainage on clay and loam soils.

Preferred sites have gently sloping (i.e. 3-7%) weakly broken terrain. Moderately sloping sites (8-15%) are considered acceptable for camps and cabins.

Soil Depth: Shallow soils inhibit site servicing and are more sensitive to traffic. A minimum soil depth of 1 metre is preferred for all forms of development. Where piped services (i.e. sewer, water) are a possibility, soil depth should be a minimum of 2 metres. Shallower soils are acceptable on sites used for low density camp and cabin development.

Soil Drainage: Poorly drained soils are unsuitable for most forms of development. They are prone to surface wetness in the spring and early summer, provide a poor foundation for roads and buildings, and are sensitive to compaction. Vegetation growing on excessively drained soils are subject to drought and sensitive to disturbance. Preferred soil drainage patterns are well to moderately well drained.

Vegetation: Preferred development sites have a diversity of vegetation species and age classes. Such sites tend to have greater tolerance to disturbance caused by development and use. A vegetation mix tends to increase visual privacy and provides a more favourable microclimate.

Shoreline: Where sites are located on water, the shoreline was examined to determine its suitability for docking and site access. As much of the assessment was based on air photo interpretation alone, the need for on site confirmation is obvious.

Development capability was assessed using air photos, forest inventory maps and topographic maps. Where available, soils maps and the biophysical inventory were also used.

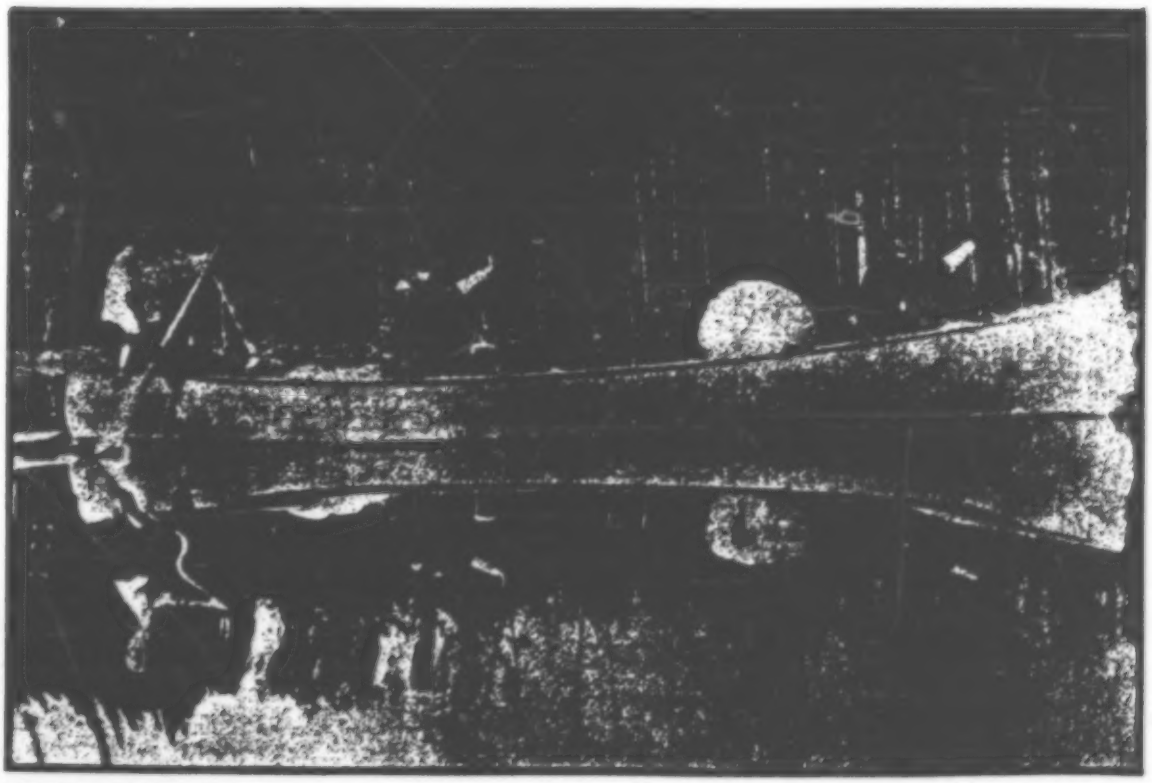
Forest inventory maps are available on a township basis for the southern and western portion of the study area. Based on a knowledge of the growing conditions preferred by different species, site conditions were interpreted. Combining this interpretation with the species type, age and density of the stand, an initial development capability classification was derived.

Where forest inventory mapping was unavailable, development capability was assessed using air photo interpretation and topographic maps.

National Topographic Series 1:50,000 scale maps were used to determine slope and relief. NTS coverage is lacking for much of the eastern portion of the study area.

Once potential sites were isolated, air photo interpretation was used to confirm site conditions and modify site boundaries. Where sites were known to Band members, site conditions were confirmed through discussion. Air photo coverage was adequate for those areas covered by the forest inventory. The age of the photos, however, limit their value where changes have occurred since the date of photography (eg. new roads, fires, flooding). Outside of the forest inventory area, air photo coverage is either outdated or at a large scale (1:50,000 or 1:63,360).

Land Selections



Manitoba Archives Photo.

5. Land Selections

This section of the report describes the York Factory Band's proposed land selections including the Registered Trapline section, Hold Areas, Land Exchange parcels and Land Entitlement parcels. The location, size and land use objectives for each parcel are described in the text and accompanying maps. All of the proposed land selections are preliminary and will be subject to on-site confirmation by Band representatives before they are finalized. Further, it is anticipated that finalization of certain selections will require negotiations with Manitoba, Canada, and in some instances, other parties to resolve location and boundary issues.

5.1 RESOURCE AREA

5.1.1 Definition

The Resource Area is defined in Article 15 of the Northern Flood Agreement as the area which includes the "Trapline Zones" and "the rivers and lakes which were traditionally available to and used by them (the residents of the Reserves) as a source of food supply, income-in-kind and income" (Article 15.1). Thus, the Resource Area is a broad region which encompasses both the traditional lands of the Band and the more comtemporary registered trapline sections (R.T.L.).

5.1.2 York Factory Resource Area

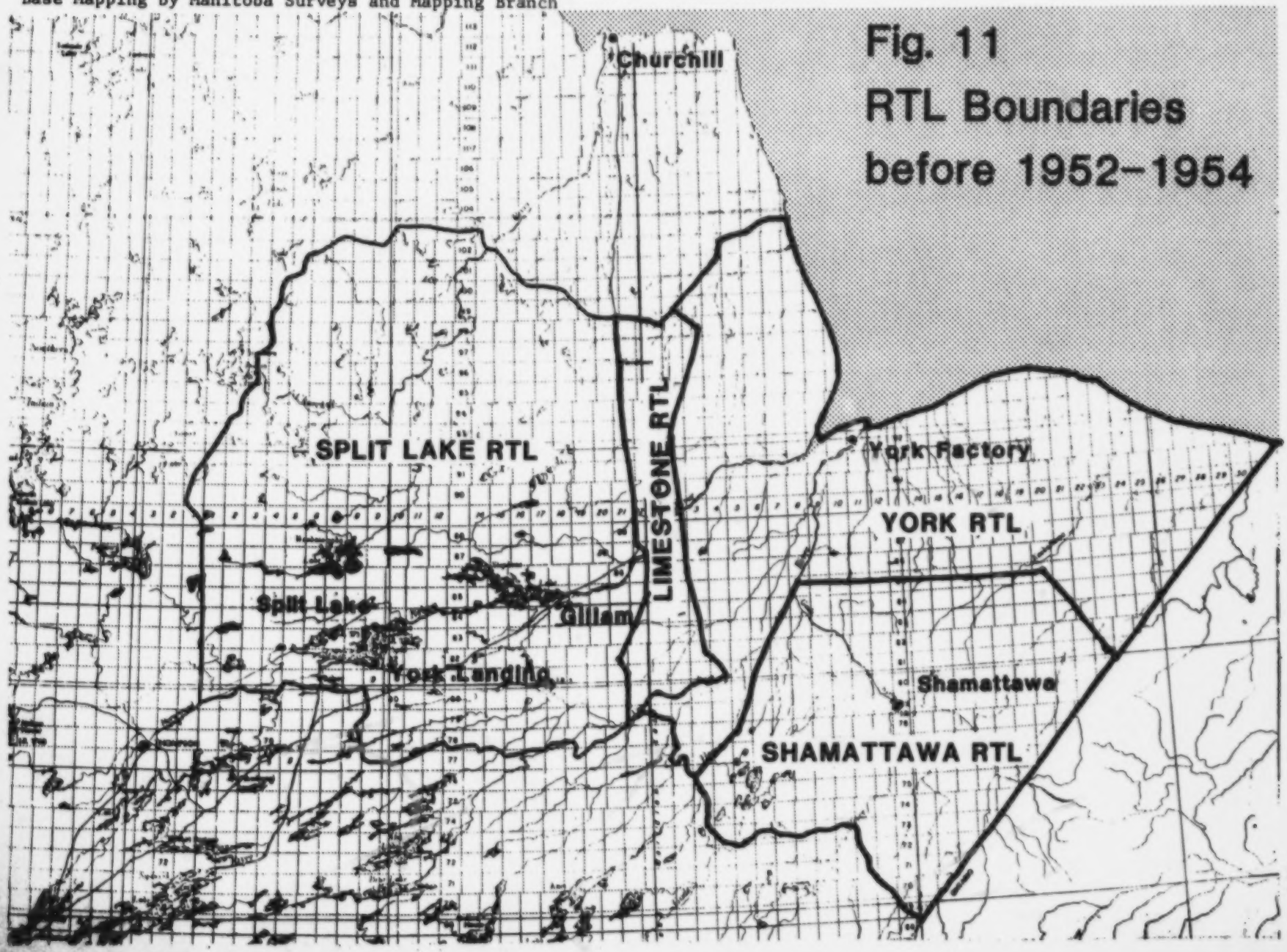
Given that the members of the York Factory Band and their ancestors have hunted, fished and trapped throughout the region drained by the Nelson, Hayes and Gods Rivers, their traditional lands encompass a very wide area. Unlike the other four Northern Flood Committee Bands, however, the York

Factory Band does not have its own designated trapline section. The lands surrounding York Landing are within the Split Lake Registered Trapline section and all but one of the traplines are held by trappers from Split Lake or other communities within the trapline section. As latecomers to the R.T.L., the York Factory Band has been allocated only one trapline for community use; trapline 13 which surrounds York Landing.

When the Band was residing at York Factory, they had their own trapping area: the York Registered Trapline Section which encompasses lands drained by the lower Nelson and Hayes Rivers and the Hudson Bay Lowlands to the north and east of York Factory (Figure 11). In the early 1950's the R.T.L. was reorganized and the Kaska trapline section was created from the eastern portion of the York R.T.L. (Figure 12). Some years following relocation of the Band to York Landing, another revision erased the York Trapline Section and the area was absorbed by the neighboring Limestone and Shamattawa trapping blocks (Figure 13).

Not only does the York Factory Band feel that their access to resources is limited by the lack of an R.T.L. they also feel that they have limited access to the fishing resources of the region. Band members point out that all of the lakes in their Resource Area with commercial fishing potential appear to have been allocated to licenced fishermen. Officials of the Provincial Fisheries Branch respond that this is not strictly the case as quota has been available for the Split Lake fishery in past years and York Landing residents need only apply for a licence to fish. It is apparent, however, that York Factory Band members perceive the resource as belonging to others.

In recent years members of the Band have been making the effort to return to the York Factory area to trap. This has occurred despite limitations imposed by the remoteness of the trapping area from York Landing and poor access. The Manitoba Department of Natural Resources has provided financing and equipment to trappers from York Landing to assist


Base Mapping by Manitoba Surveys and Mapping Branch
Churchill
Fig. 11
RTL Boundaries
before 1952–1954
SPLIT LAKE RTL
LIMESTONE RTL
York Factory
YORK RTL
Split Lake
Gillam
York Landing
Shamattawa
SHAMATTAWA RTL
80

Base Mapping by Manitoba Surveys and Mapping Branch

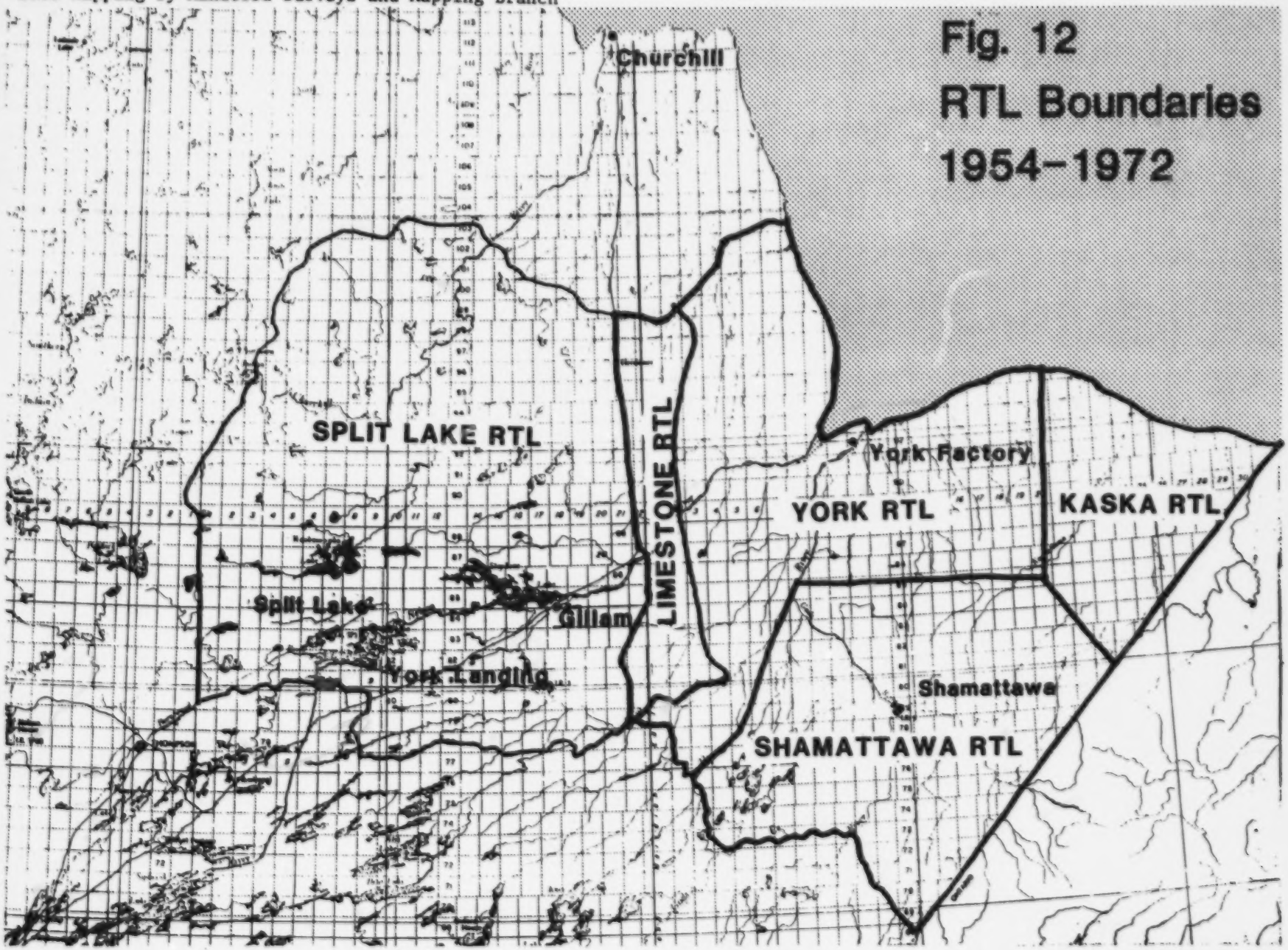


Fig. 12
RTL Boundaries
1954–1972

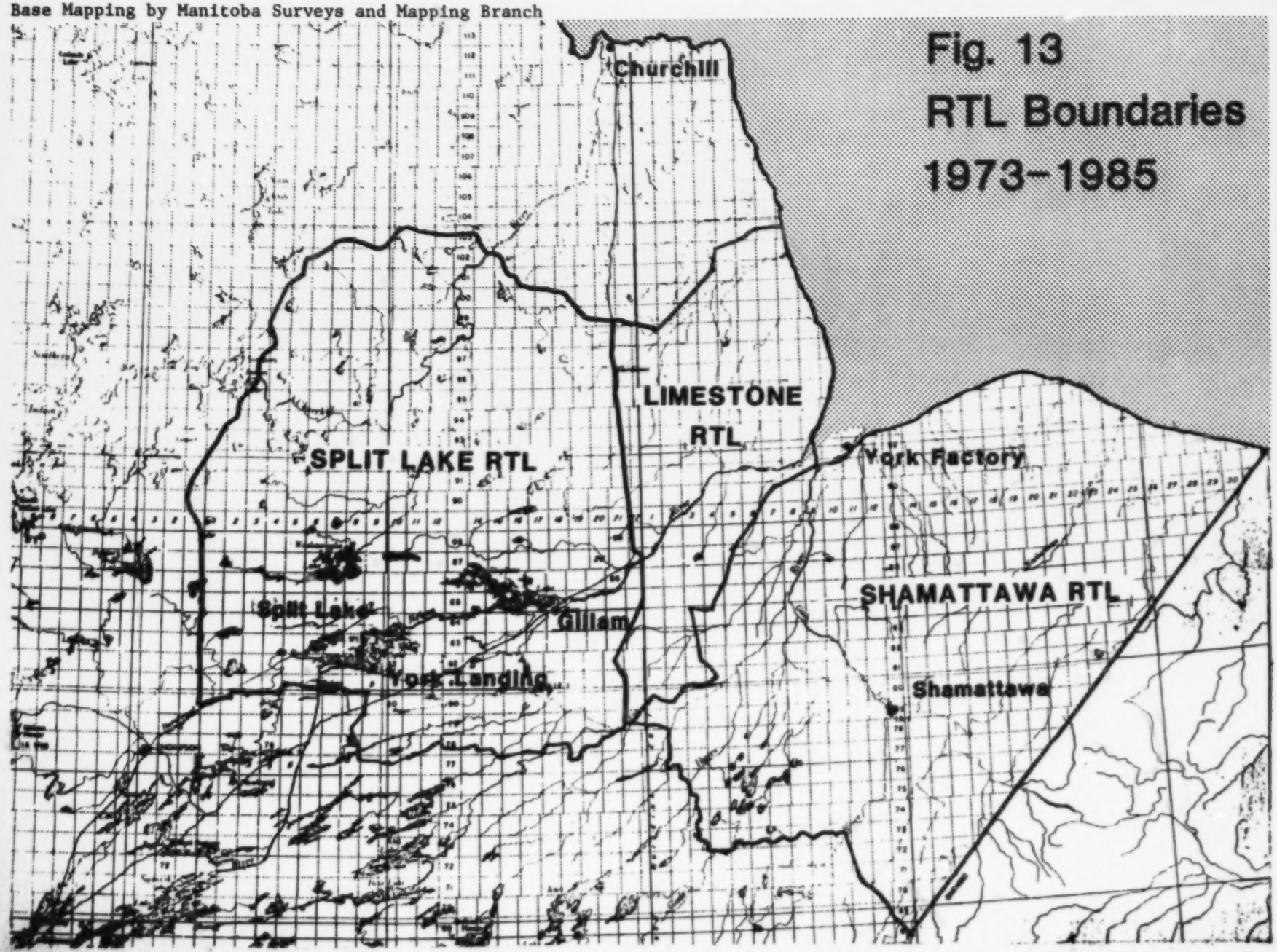


Fig. 13
RTL Boundaries
1973-1985

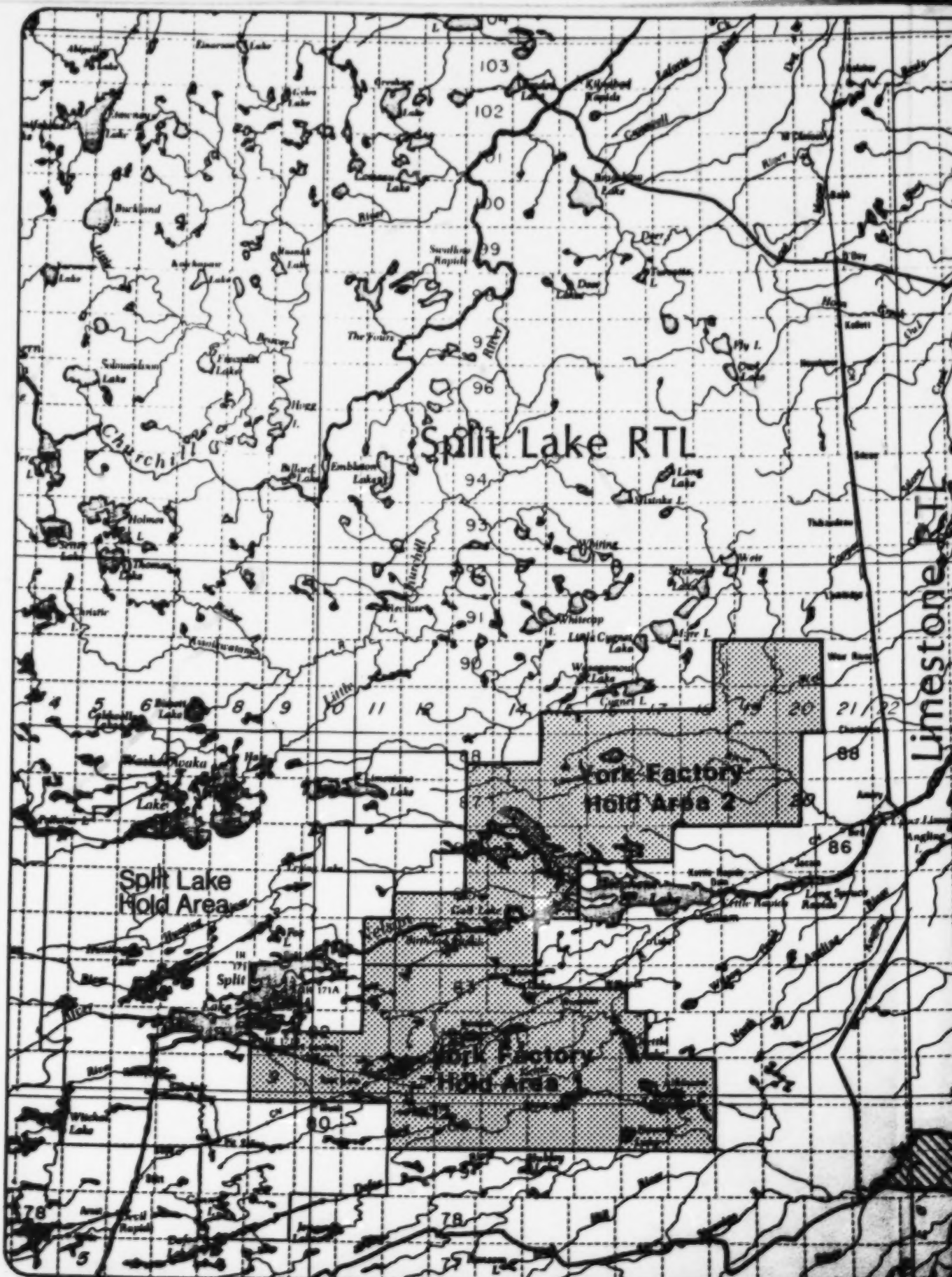
them to trap the York Factory area. The Ten Shilling Creek camp is being used by the trappers as a base for trapping activity. At present, trapping is concentrated in the area surrounding the base camp within the Shamattawa R.T.L.

5.1.3 Proposed York Factory R.T.L.

The York Factory Band wants to re-establish a trapline section of their own. Their desire for their own designated trapping area has practical, social/cultural and "political" importance to Band members. In practical terms, having their own trapline section will give York Factory Band members access to fur resources. From a social/cultural perspective the trapline section will provide an area for Band members to go out "onto the land" for traditional activities. Such activity is an important source of cultural renewal and recreation. The existence of the trapline section will also strengthen the sense of being linked to the land experienced by Band members. In "political" terms, the York Factory Band believes that it requires its own trapline section to benefit fully from the Northern Flood Agreement. The existence of a York Factory R.T.L. will help to define the Band's Resource Area.

The York Factory Band proposes that a trapping area be established in the York Factory area for the use of Band members. The Band proposes that the boundaries of the trapline section be those of the original York trapline section (Figure 14). Re-establishment of the York trapline section will require the reorganization of the most northern portion of the Shamattawa R.T.L. and the eastern portion of the Limestone R.T.L.

The Shamatawa R.T.L. is a group trapping block without individual registered traplines. Shamattawa trappers have traditionally divided the trapping area amongst themselves without a registered system. It is difficult, therefore, to determine the potential impacts of re-establishing the York R.T.L. on individual trappers. Current use of the northern portion of the Shamattawa R.T.L. is reported to be minimal however.


Split Lake RTL
York Factory
Hold Area 2
Split Lake
Hold Area
York Factory
Hold Area
Limestone
Churchill
Split

YORK FACTORY

land entitlement & land exchange study

Fig. 4 Proposed Trapping Area & Hold Areas

Split Lake RTL

Limestone RTL

York Factory Hold Area 1

York Factory Hold Area 2

York Factory Hold Area 3

Proposed York Factory Trapline Section

Shamattawa RTL

Use of the Limestone R.T.L. appears to be somewhat higher but is still low. In recent years, trappers from the Gillam area have been using the western portions of the Limestone R.T.L. Also, trappers from Churchill are making some use of the coastal areas of the R.T.L.

Unlike the situation of thirty years ago, the York Factory Band does not have many experienced trappers today. The relocation of the Band from their trapping area is likely the major factor which has created this situation. Despite the low number of active trappers, trapping is still considered an important activity by Band members. Young people are showing interest in learning trapping skills: a number of younger men travelled to York Factory last winter to work as assistant trappers.

It is obvious that initially, the number of trappers from the community will be low. Consequently, the area they will require for trapping will reflect this. However, it is expected that the establishment of a designated trapping area and acquisition of Reserve land in the York Factory area will encourage Band members to become more active trappers. As young people acquire the necessary skills the area which is actively trapped will grow. The size of the R.T.L. must therefore reflect future needs. Trapping by non-Band members should be permitted on an interim or ongoing basis only if this use will not limit future use by York Factory Band members or cause depletion of the resource base.

The Manitoba Government has agreed in the Northern Flood Agreement to assist the NFA Bands to establish new alternate Resource Areas where existing Resource Areas are adversely affected by hydro development. Article 15.2 of the Agreement states:

> "Because the Project has made and may hereafter make certain of the Resource Areas inaccessible for the foregoing purposes or has adversely affected the Resource Area to an undetermined extent, Manitoba undertakes to use its best efforts to make available new alternate Resource Areas to the extent that it is practical to do so.

Hydro development on the Nelson and Burntwood Rivers has adversely affected the York Factory Band's use of their Resource Area and community trapline in the vicinity of York Landing. Future hydro development on the Nelson River is expected to increase negative impacts on these areas. Consequently, Manitoba has an obligation to assist the York Factory Band to establish a new Resource Area which will not be affected by impacts from hydro development.

5.2 HOLD AREAS

The York Factory Band proposes the establishment of three (3) hold areas for the use of Band members as defined in Article 4 of the Northern Flood Agreement. Each of the hold areas has been delineated to include specific land and resources which will contribute to the viability of the community and well-being of Band members (Figure 14). The potential uses of land within each hold area varies depending on location and the characteristics of the particular resource base.

The three hold areas encompass approximately 12,800 square miles of land. While this may appear to be a very large area, the actual area of land and resources of potential interest to the Band will be substantially smaller. The land in the study area is predominantly flat and poorly drained with limited potential for resource development. Those land areas and resources with potential for development and use tend to be scattered and less productive than in southern areas. Establishment of a resource base which will make a meaningful contribution to the well-being of the York Factory Band requires that such large areas be designated.

Furthermore, as defined by the Northern Flood Agreement, the hold area is a temporary phenomenon which exists only for the duration of the "selection period". For a five year period (or longer if necessary) the

Band and Band members may select land parcels within the hold area which will be set aside for their exclusive use. Once these parcels have been selected and the selection period has ended, the hold area per se will dissappear and the smaller exclusive use parcels will remain.

The delineation of the three hold areas satisfies the Band's three main objectives for hold area designation:

1. To freeze or control resource and land allocations within specified areas of interest to allow the Band to examine the areas in more detail prior to the selection of land exchange, land entitlement lands and exclusive use parcels. Many of the younger Band members are unfamiliar with portions of the Band's traditional use area and need time to investigate these lands for themselves. Further, for much of the traditional use area, information on land and resource characteristics is lacking. The Band requires additional information on the resource base before making more specific land selection.

2. To provide resources/raw material for use in the York Landing community and other selected land parcels including: fuelwood, logs and rough lumber, sand and gravel.

3. To provide resources which can be developed by the Band and Band members to generate employment and income.

It is likely that the hold areas contain resources in excess of those required by the Band. However, before selecting the land and resources desired for exclusive use, the Band needs to gather additional information on the quality and quantity of resources within the hold areas as well as

information on long term community needs. Article 4.2 of the Northern Flood Agreement acknowledges that such study will be required during the selection period and that the selection period may have to be extended to ensure sufficient time for study:

> The selection period may be extended as necessary to ensure that the Band has a reasonable opportunity to investigate, consider, obtain funding for, and implement such developments and uses as may be feasible.

There are many existing land uses within the proposed hold areas which will need to be excluded from hold area designation: These include: i) settlement areas; ii) public roads; iii) the railway; iv) hydro transmission lines; v) treaty land selections at War Lake and Atkinson Lake; vi) Split Lake Land Exchange Areas; vii) the York Factory National Historic Site; viii) Goose Hunting Camps; and ix) other permitted, leased and patented land.

Hold Areas I and II are within the Split Lake Registered Trapline Section and include portions of several traplines. Hold Area designation should not affect trapline activity but future development of exclusive use parcels may conflict (eg. timber cutting). Plans for the development of hold areas should therefore take into account the interests of local trappers.

Other residents of the region particuarly Fox Lake Band members, War Lake Band members and other Ilford residents may become concerned that hold area designation will limit their access to regional resources. The needs of these communities should be considered when formulating plans for resource development. At the same time, however, the special status of the York Factory Band as a party to the Northern Flood Agreement must be recognized.

5.2.1 Hold Area Descriptions

a) HOLD AREA I

This hold area includes the lands surrounding the York Landing community adjacent to the Split Lake hold area and the lands to the east towards Atkinson Lake and Kettle Lake. The hold area includes resources required by the community of York Landing for local use as well as timber resources with potential for commercial development. The hold area includes approximately 1,000 square miles of land.

The hold area includes the potential sand and gravel sources to the east of York Landing on the Aiken River. These may have potential to replace the existing pit when it is exhausted in a few years time. Other potential sources of aggregate near Ilford and Cyril Lake are also within the hold area but will be of limited value due to their distance from York Landing. Another potential source of sand and gravel is located to the east of Split Lake Indian Reserve 171A within the Split Lake Hold Area. Further investigation of area gravel deposits may determine that this source has the best potential for development. If this is the case, the York Factory Band should propose to the Split Lake Band that the source be developed and managed jointly as the quantity of material is likely to be sufficient for both communities.

Much of the hold area is characterized by extensive flat, poorly drained land supporting bog, fen and stunted coniferous forest. There are, however, isolated stands of merchantable timber in the hold area with potential for cutting. Some of these stands are found scattered just to the south and east of York Landing along the Aiken and Ripple Rivers. Township 81, in ranges 9, 10 and 11 east contain over 9,000 acres (3,690

ha) of cutting Class 3 timber and 980 acres (400 ha) of cutting Class 4. This wood is well located for in-community use but may also have potential for export outside of York Landing. Larger areas of merchantable timber are found on the esker-kame complex which connects War Lake to Atkinson Lake and on the smaller esker northeast of Moose Nose Lake. It is estimated that these two areas contain over 16,000 acres (6,434 ha) of merchantable timber in cutting Classes 3 and 4. This timber which is accessible by winter trail from the railway may have potential for harvesting for export purposes. The wood could be hauled to the railline for shipment to The Pas or other centers by train.

The hold area also contains land areas with potential for production of commercial forest. These areas are associated with morrainal deposits where higher relief and better-drained till soils have higher capability for tree growth. The present cover in these areas is immature and will not be ready for havesting for five decades or more. This represents the wood supply which will replace the current stock of intermediate and mature timber when it has been harvested.

Land within the hold area in the vicinity of York Landing has potential for development of specialized agriculture including game ranching. This area also contains timber suitable for use as fuel.

The hold area includes land surrounding a number of lakes and rivers. These present opportunities for individual Band members to select parcels for the construction of cabins for recreation and traditional activities.

b) HOLD AREA II

This hold area includes 1,440 square miles of land located mostly to the north of the Nelson River and Stephens Lake. The primary purpose of this hold area is to secure access to a timber resource which may have potential

for commercial harvesting. Sources of resource information including Landsat imagery and the Biophysical Inventory indicate that the hold area contains land areas with capability for forest production. As this area is mostly outside of the boundaries of the Forest Inventory, the age, species, size, distribution and other characteristics of the timber are unknown. Whether this forest is suitable for cutting or whether potential environmental impacts and slow regeneration rates make harvesting inadvisable is also unknown. More information will be required to determine if the resource has economic potential and exclusive use designation is necessary.

The hold area also includes lands surrounding a major proposed Treaty Land Entitlement selection at Little Limestone Lake. Potential development of this parcel may require resources from the surrounding area.

c) HOLD AREA III

This hold area includes 1,386 square miles of land surrounding York Factory. The York Factory area is a major focus of Band land interests and the area of traditional settlement. The vast majority of land in this area is flat and poorly drained and covered with extensive bog and fen. Resources with economic potential are very limited; those that do exist tend to be isolated. The resources of the hold area will be developed in association with the concentration of land entitlement parcels which are proposed for the area. Potential useable resources include sand and gravel deposits and limited stands of timber for fuel and log construction. The goose hunting grounds represent another important area resource. An exclusive hunting ground could be established in conjunction with the redevelopment of the Ten Shilling Creek Camp.

5.3 LAND PARCELS

This section describes the parcels of land that the York Factory Band proposes to select from Treaty Land Entitlement and Article 3 of the Northern Flood Agreement: Land Exchange. While the type of selection, whether treaty entitlement or land exchange, is indicated for each parcel they are, for the most part, interchangeable. Should a parcel not qualify for selection for some reason under one method but satisfy the conditions of the other then the method of selection would change. Further, it may occur in the process of finalizing land selections that a particular parcel of land may need to be composed of both land exchange and treaty entitlement land to stay within the amount of land owing to the Band under one method or the other.

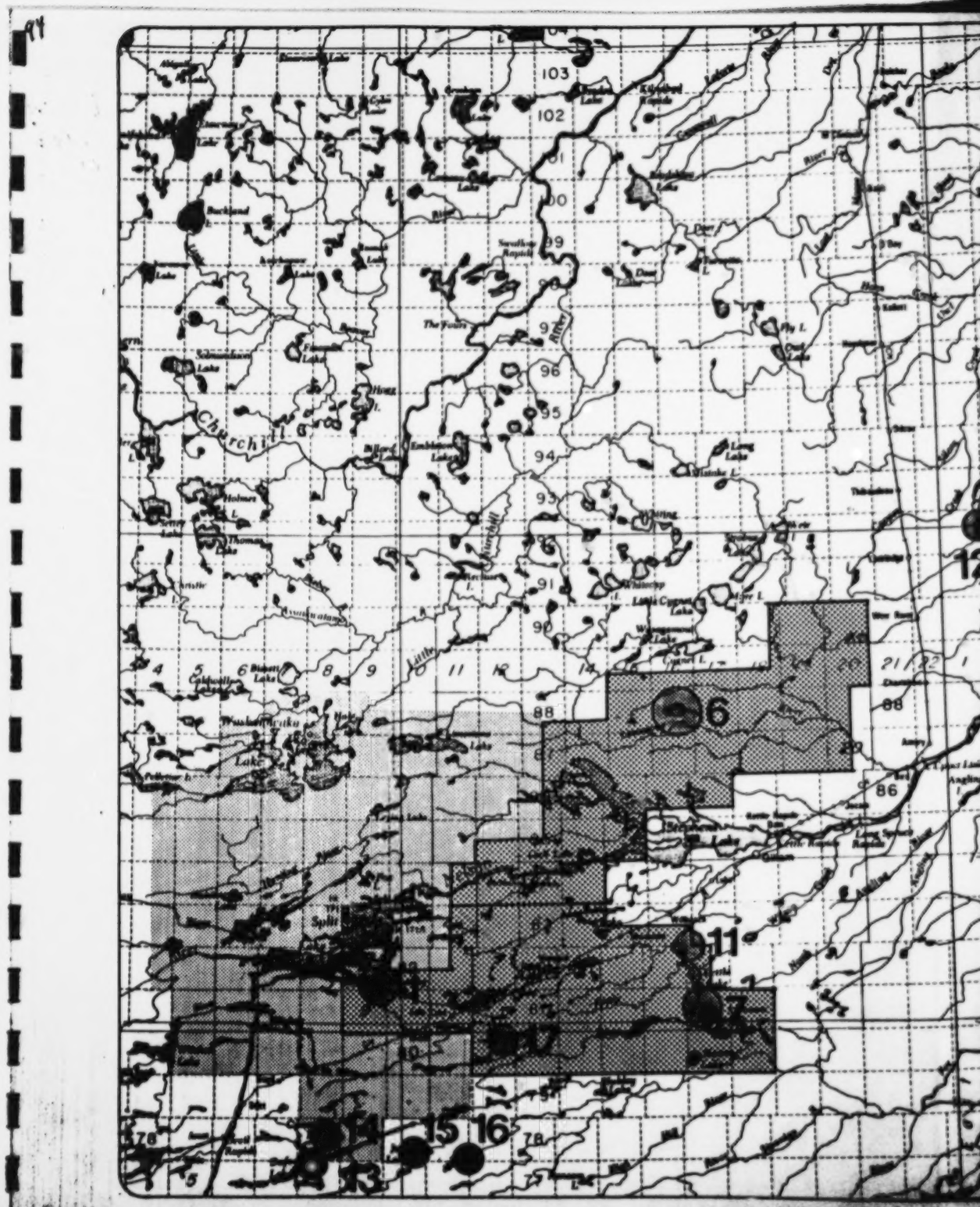
There are a total of twenty-one (21) parcels of land proposed for selection by the York Factory Band ranging in size from two acres to 5,800 acres (Table IX, Figure 15). Maps and photos of these individual sites are located at the end of this section. The Band also proposes to allocate 200 acres of treaty entitlement land to the War Lake Band to enable them to establish their own Reserve.

While the proposed land selections reflect the intent of the York Factory Band both in terms of their location and relative size, they are preliminary. The Band Council intends to undertake site reconnaissance of the proposed parcels to confirm terrain conditions and suitability for use before finalizing the selections.

The size of the proposed area is given in acres and hectares. These quantities are approximate as they are derived from large scale maps and uncontrolled air photos. Undoubtedly, the area of some parcels and boundaries of others will change as a result of more detailed mapping and site surveys.

TABLE VIII YORK FACTORY LAND ENTITLEMENT & LAND EXCHANGE AREAS

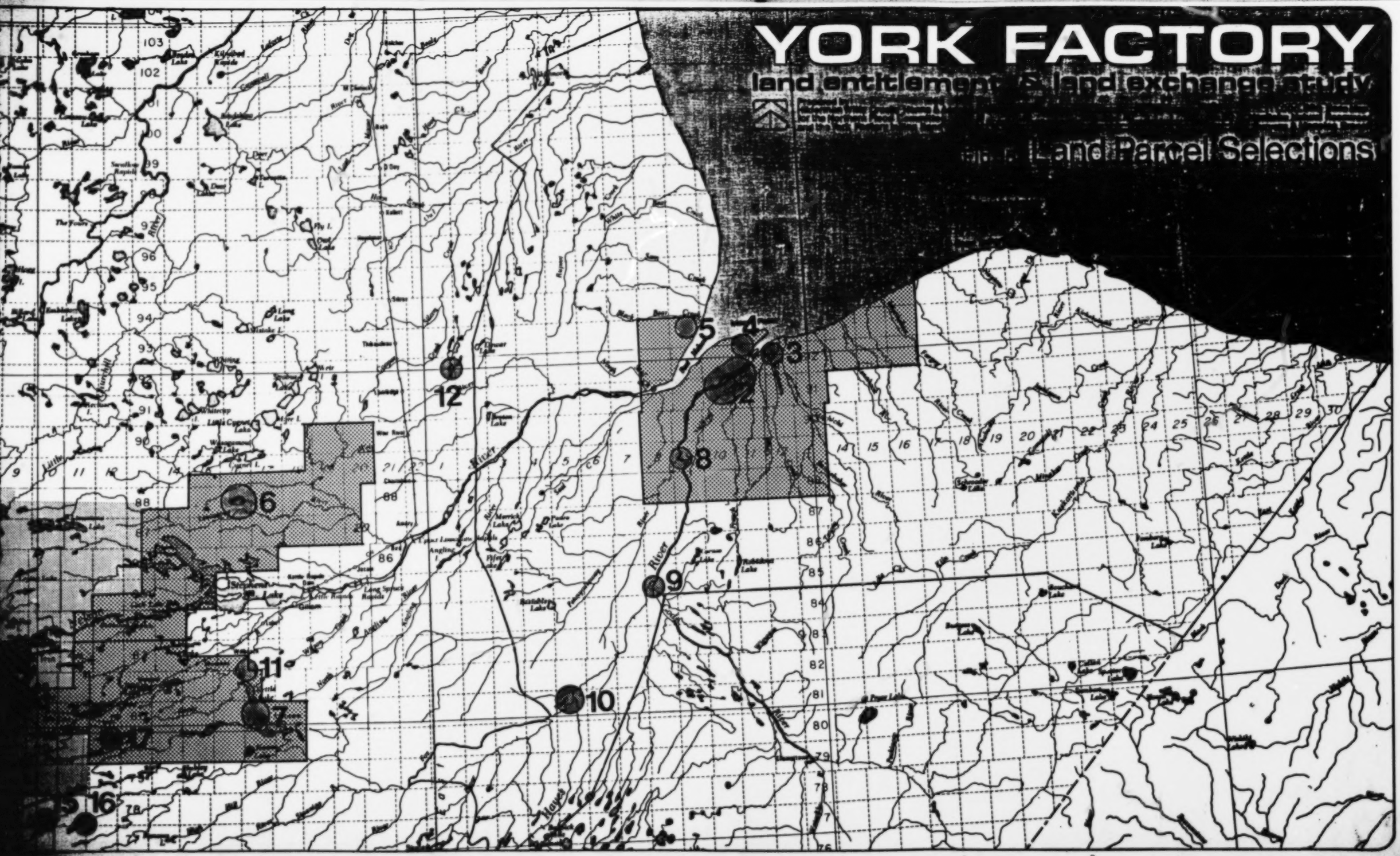
SITE		TREATY ENTITLEMENT 13,184 Acres (5336 ha)	N.F.A. 1156 Acres (468 ha)
1. York Landing		2,200 (5436 ha)	-
2. Ten Shilling Creek		5,800 (2347 ha)	-
3. French Creek		400 (162 ha)	-
4. York Factory	a) North	102 (41 ha)	-
	b) South	70 (28 ha)	-
	c) Church	8 (3.2 ha)	-
	d) Hudson Bay Co.	5 (2.0 ha)	-
	e) Manitoba	2 (0.8 ha)	-
5. Port Nelson		400 (162 ha)	-
6. Little Limestone Lake		3,000 (1214 ha)	-
7. Atkinson Lake		900 (364 ha)	-
8. Hayes/Pennycutaway		335 (136 ha)	-
9. Hayes/Gods		480 (194 ha)	-
10. Hayes/Fox		-	800 (324 ha)
11. Kettle Lake		-	106 (43 ha)
12. Curtis Lake		-	260 (105 ha)
13. Dafoe Lake		-	133 (54 ha)
14. Gunn Lake		-	140 (57 ha)
15. Joy Lake		-	13 (5 ha)
16. Diana Lake		-	22 (9 ha)
		13,702 (5545 ha)	1,474 (597 ha)
17. War Lake Band		200 (81 ha)	-
Holdback		1,000 (405 ha)	-
TOTAL SELECTION AREA		14,902(6031 ha)	1,474 (597 ha)



YORK FACTORY

land entitlement & land exchange study

Land Parcel Selections



The total area of proposed land selections exceeds the amount of land to which the Band is entitled. This has been done for several reasons. Some parcels or portions of some parcels by be unavailable for selection by the Band due to existing ownership, occupations or other encumbrances. Inaccuracies resulting from the large scale of mapping and uncontrolled air photography may have resulted in underestimates of parcel size. The excess of land area will allow the Band flexibility in final selections following site reconnaissance.

Although the quantity of land identified for selection exceeds the amount to which the Band is entitled, it is recommended that the Band retain a minimum of 1,000 acres in land entitlement for future selection. In the years to come, new development in the region and changes in the needs and priorities of Band members may create new opportunities for land selection. By holding back some land at this time, the Band can respond to these changes.

SITE 1 - YORK LANDING

LOCATION:	York Landing on Split Lake near mouth of Aikens River.
SIZE:	Approximately 2,200 acres, final size dependent on revised survey.
TYPE OF SELECTION:	Treaty Land Entitlement

DESCRIPTION:

The members of the York Factory Band were relocated to this area in 1957 following the closure of the Hudson Bay Company post at York Factory. In 1970, the Band selected 10,948 acres of land at York Landing for a reserve. This selection was later modified in 1977 to 2,200 acres. The parcel was

subsequently surveyed but formal transfer of land did not occur. The Band has recently requested that a portion of the proposed boundary adjacent to the airstrip be re-surveyed to include several buildings belonging to the Band and Band members. The terrain is gently to steeply sloping. Soils are generally deep and are predominantly well to imperfectly drained. Forest cover is predominantly black spruce with some deciduous.

EXISTING USE:

The parcel is undeveloped except for the built-up portion of the community and the community gravel pit.

SIGNIFICANCE:

The York Factory Band has been attempting to establish a reserve at York Landing for over 15 years. The Band is anxious to achieve this Reserve status not only to provide themselves with the formal land base they desire, but also because the lack of Reserve status limits the Band's jurisdiction in the community. While many Band members are not satisfied with York Landing as the location for their community, they recognize that moving to a more satisfactory location is impractical given the social and infrastructure investments at York Landing. Further, York Landing is "home" to the younger members of the Band who have grown up there. The Band has decided, therefore, to invest a portion of their treaty entitlement into land at York Landing to meet needs for community development. The proposed reserve has sufficient area of developable land adjacent to the existing community to meet foreseeable needs for community expansion. The land on the south shore of the Aiken River near the mouth of the Ripple River has potential for community recreation (cabins, camping) and has been suggested as a possible tourist lodge site.

SITE 2 - TEN SHILLING CREEK

LOCATION: South shore of Hayes River from Ten Shilling Creek to Rainbow Island.

SIZE: 5,800 acres: as shoreline is influenced by tides and seasonal flooding, actual size of parcel may be less.

TYPE OF SELECTION: Treaty Land Entitlement

DESCRIPTION:

This area was used in the past by York Factory Band members for permanent and seasonal settlement. It continues to be used today by trappers from York Landing. The terrain is predominantly flat to gently sloping but has some steep slopes, soils are predominantly well to imperfectly drained with some areas of poor drainage. The clay and silt soils of the site have developed from alluvial and marine deposits. Discontinuous permafrost is present. Vegetation consists of closed and open spruce forest, willow and muskeg.

EXISTING USE:

Several years ago the Band operated a goose hunting camp on Ten Shilling Creek. This group of cabins near the mouth of the Creek are now utilized by trappers from York Landing as a base camp. The trappers also propose to establish a camp at Rainbow Island. A cabin belonging to a trapper from Shamattawa is located to the west of Ten Shilling Creek on the Hayes River.

SIGNIFICANCE:

The Ten Shilling Creek-Rainbow Island area has been utilized by York Factory Band members for many years: in the past for permanent and

seasonal settlement, for a goose hunting camp and, today, as a base for trapping. The selection of a large parcel of reserve land at the mouth of the Hayes River confirms the continuing commitment of the York Factory Band to this area. For centuries prior to the decline of the fur trade past at York Factory, the York Factory Band and their ancestors maintained a major physical and "political" presence in the area. The establishment of a block of reserve land at the Bay will be a reminder of this fact and of the significant role the ancestors of the York Factory Band played in the fur trade and the development of western Canada. It is not only non-Band members who need to be reminded of the Band's past, many of the younger members of the Band are not fully aware of their history. The establishment of a land base at York Factory will serve as a link to the past and will give Band members a greater sense of who they are and where they come from. At the same time, the land selection is also a statement by the Band of their ongoing interest in the area and their intent to be involved in any future development in the region. The development potential of the area is currently being examined by a joint federal-provincial task force. The Band wants to actively participate in any development initiatives arising from the current study. As economic opportunities and employment are severely limited in York Landing, participation in development in the Hudsons Bay Lowlands would be of major benefit to the Band.

This land parcel and the existing goose camp buildings offer significant economic development potential for the Band. It is apparent from reports on the resource base and the continuing successful operation of other camps that reactivation of the Ten Shilling Creek commercial goose hutning operation is economically viable. The operation of the camp would likely be improved by the construction of an airstrip which would allow direct connections from Winnipeg and Thompson.

The length of the tourist season at the Camp could be expanded to include fishing for sea-run brook trout and wildlife viewing (polar bears, whales, caribou). The greatest potential of the camp, however, may relate

to its proximity to the York Factory National Historic Site. Current plans by Parks Canada to undertake site restoration and facilities development will encourage increased tourist visitation. The Ten Shilling Creek Camp is well located to serve as a base for visitors to the Historic Site. Development of an airstrip at Ten Shilling Creek would further improve the potential of the Camp. Excellent potential exists to offer packaged tours which take advantage of the diversity of tourism opportunities available at the mouth of the Hayes River.

The establishment of Reserve land in the Ten Shilling Creek-Rainbow Island area will provide a base for traditional pursuits and recreation for Band members. Being centrally located within the proposed resource area, this parcel will serve as a base for trapping, hunting and fishing by York Factory Band members. The land is suitable for the construction of cabins for seasonal use by Band members.

SITE 3 - FRENCH CREEK

LOCATION:	Both sides of French Creek at the point that it enters the Hayes River.
SIZE:	400 acres
TYPE OF SELECTION:	Treaty Land Entitlement

DESCRIPTION:

Flat to gently sloping terrain. Soils are well to poorly drained. Vegetation is predominantly black spruce, larch, willow and muskeg.

EXISTING USE:

Sport fishing occurs on the creek in the spring. No development exists on the land area.

SIGNIFICANCE:

The French Creek area was used in the past for both permanent and seasonal settlement by the York Factory Band and their ancestors. The parcel has potential for seasonal use related to trapping, hunting and fishing. The site also has potential for tourism development associated with trout fishing and wildlife viewing opportunities and development of the York Factory National Historic Site.

SITE 4 - YORK FACTORY

LOCATION:	Five parcels of land adjacent to the York Factory National Historic Site on the north bank of the Hayes River on Hudson Bay.
SIZE:	Parcel 4A - 102 Acres (41 ha)
	Parcel 4B - 70 Acres (28 ha)
	Parcel 4C - 8.04 Acres (3.2 ha)
	Parcel 4D - 4.57 Acres (1.8 ha)
	Parcel 4E - 2 Acres (0.8 ha)
TYPE OF SELECTION:	Treaty Land Entitlement

DESCRIPTION:

All five of these parcels are located adjacent to the north bank of the Hayes River. Erosion of the riverbank at this point is occuring at a relatively rapid rate due to the combined action of waves, currents and ice scouring and the melting of frozen soil. It is predicted that if erosion is allowed to proceed unchecked, the Depot, cemetary and other important sites within the National Historic Site may be damaged or destroyed within the next 100 to 150 years (Parks Canada, 1984). If this occurs, the five parcels will also be affected. Both parcels 4A and 4B include land setback from the riverbank to reduce the impact of erosion.

The terrain is very flat. Drainage is poor in backshore areas but moderate to well-drained conditions are found adjacent to the shoreline. Vegetation includes dense willow stands, stunted black spruce and grass-sedge meadows in open areas. The height and steep slope of the riverbanks impedes access to and from the water.

EXISTING USE:

Parcel 4A - mostly undeveloped provincial crown land. A cabin, owned by J. Hartley is located on Crown Land adjacent to the NHS boundary. A number of building foundations remain on cleared land adjacent to the NHS. The land is part of the Cape Tatnam Wildlife Management Area and is administered by the Provincial Department of Natural Resources, Wildlife Branch. Parcel 4B - mostly unoccupied provincial crown land. A cabin and several building foundations are found on the property. This parcel is also within the Cape Tatnam Wildlife Management Area. Parcel 4C - this parcel is owned by the Anglican Church of Canada, Diocese of Keewatin at Kenora. It is currently unoccupied. The site contains the foundations of the church (constructed in 1933) and rectory. Parcel 4D - this parcel is owned by the Hudson's Bay Company. It was retained by the company when the land which makes up the York Factory National Historic Site was transferred in 1968. The land is unoccupied. Parcel 4E - this parcel is a portion of a larger parcel owned by the Province of Manitoba and administered by the Department of Natural Resources, Wildlife Branch. The western portion of the larger parcel is occupied by two buildings owned by the Wildlife Branch. The parcel proposed for selection by the York Factory Band east of the road allowance is unoccupied.

SIGNIFICANCE:

During almost 300 years that there were fur trading posts in operation at the mouth of the Hayes River, the York Factory Band and their ancestors resided in the vicinity of the current National Historic Site on a

permanent and seasonal basis. In the latter years of the post's operation, a permanent community of York Factory Band members was clustered around the Anglican Mission located to the south of the Depot. This community continued until the Band was relocated to York Landing in 1957.

The York Factory Band wants to acquire land for an Indian Reserve adjacent to the Depot on lands which they traditionally used and occupied. For the older Band members, the old Hudson's Bay Company post and adjacent land are their original home and the place where they lived through their childhood and much of their adult life. To younger and older Band members alike, these lands are a tangible symbol of their recent heritage representing the last three centuries of their history.

York Factory Band members have expressed a strong desire to acquire a significant parcel of land at York Factory for an Indian Reserve. However, extensive poor drainage limits the area suitable for land selection in the York Factory area. Furthermore, a significant portion of the well-drained land is not under Provincial ownership but belongs to Parks Canada, the Anglican Church and Hudson's Bay Company. The Band proposes to assemble five parcels of land in the York Factory area to establish a Reserve totalling some 187 acres (76 ha).

All of these parcels are unoccupied except for the camp operated by J. Hatley located adjacent to the north boundary of the National Historic Site. The two private land owners: the Anglican Church and Hudson's Bay Company need to be approached to determine the terms under which they would part with their respective properties.

By selecting lands adjacent to the York Factory National Historic Site, the Band is showing its intent to become involved in the development and use of the National Historic Site. Actively involving the York Factory Band in the development and operation of the National Historic Site would be beneficial to both Parks Canada and the Band. The history of the post and the fur trade in this area is also a significant part of the history of the Cree people in general and York Factory Band in particular. Parks Canada has the opportunity to utilize the knowledge of older Band members in the development of interpretive and restoration programs. Band members would also be employed to work at the site on restoration projects and in the management and operation of interpretive and maintenance programs.

The Band could provide accommodation for visitors to the National Historic Site. Tourist cabins or possibly a small lodge could be built for use by groups and individuals visiting the National Historic Site and surrounding region. Packaged tours could be offered which combine an intensive visit to York Factory with visits to other historic sites in the region, wildlife viewing, fishing, etc. An organized campground could provide sites and treated water for those arriving at the site by canoe.

SITE 5 - PORT NELSON

LOCATION:	Port Nelson, north shore, mouth of Nelson River at Hudson Bay, 57° 5' N lat, 92° 38' W long.
SIZE:	400 acres (162 ha)
TYPE OF SELECTION:	Treaty Land Entitlement

DESCRIPTION:

Flat terrain with deep, well to poorly drained soils. Site vegetation inlcudes grass-sedge meadow, willow and muskeg.

EXISTING USE:

The site is currently unoccupied. This site was intended to be the terminus of the Hudson Bay Railway. A pier and other facilities were constructed from 1913 to 1916 but were later abandoned due to navigation problems caused by shallow water depth. The major pier structure is still in place but most other structures are no longer standing.

SIGNIFICANCE:

The site has potential for use as a base for trapping and for tourism. Development of a road to the future Gillam Island Generating Station will greatly improve access to this site.

SITE 6 - LITTLE LIMESTONE LAKE

LOCATION:	Little Limestone Lake north of Stephens Lake, 56° 35' N lat, 95° 00' W long.
SIZE:	3000 acres (1214 ha)
TYPE OF SELECTION:	Treaty Land Entitlement

DESCRIPTION:

The site includes the south, east and west shores of Little Limestone Lake. A prominent esker ridge running east-west along the south shore of the lake dominates the site. Elsewhere within the parcel the terrain is strongly unduating. Soils are sandy-textured, deep and predominantly well-drained. Vegetation cover consists of mature and immature black spruce, willow and aspen and birch.

EXISTING USE:

Unoccupied provincial crown land.

SIGNIFICANCE:

The York Factory Band has been interested in acquiring land at Little Limestone Lake for many years. This lake was identified as a potential site for treaty land entitlement in the York Landing Community Plan (Damas & Smith, 1978). The high quality of lake water, the Limestone River, the dominant esker ridge and general scenic beauty of the area makes it an attractive setting for recreation, hunting and fishing by Band members. The area may also have some potential for tourism development although the size of the lake limits its potential for sport fishing.

SITE 7 - ATKINSON LAKE

LOCATION:	North shore of Atkinson Lake, 56° 00' N lat, 94° 50' W long.
SIZE:	900 acres (364 ha)
TYPE OF SELECTION:	Treaty Land Entitlement

DESCRIPTION:

The terrain is moderately undulating with gentle to steep slopes. Soils are deep and predominantly well to moderately well drained. Vegetation cover consists of mature and immature mixed forest with isolated areas of bog and treed muskeg where drainage is poor.

EXISTING USE:

The site is unoccupied provincial crown land. A winter trail crosses the western end of the site. This parcel is located to the west of Fox Lake Indian Reserve. A commercial fishing outcamp is located on an island on the south side of the lake.

SIGNIFICANCE:

This parcel has potential for community recreation, domestic hunting and sport fishing.

SITE 8 - HAYES/PENNYCUTAWAY RIVERS

LOCATION:	The forks of the Hayes River and Pennycutaway River.
SIZE:	335 acres (136 ha)
TYPE OF SELECTION:	Treaty Land Entitlement

DESCRIPTION:

The site is located on moderately sloping river terrace. Soils are developed on deep, predominantly well to moderately drained, silt and clay textured river sediments. Vegetation cover consists of a mix of coniferous and deciduous trees and shrubs.

EXISTING USE:

Unoccupied provincial crown land.

SIGNIFICANCE:

This site is located at the junction of two water routes which were traditionally used by the people of York Factory. The site is also strategically located within the York Factory Resource Area. The parcel has potential for use associated with traditional pursuits.

SITE 9 - HAYES/GODS RIVERS

LOCATION:	Junction of the Hayes River and Gods Rivers.
SIZE:	200 acres (81 ha)
TYPE OF SELECTION:	Treaty Land Entitlement

DESCRIPTION:

The site is located on flat to steeply sloping terrain on the south bank of the Hayes River. Soils have developed on deep, well to poorly drained silt and clay textured river sediments. Vegetation cover conists of a mix of deciduous and coniferous tree and shrub species. A small portion of the interior of the site is flat and poorly drained supporting bog vegetation.

EXISTING USE:

Unoccupied provincial crown land.

SIGNIFICANCE:

The site is located at the intersection of two important traditional water routes. During the early years of European exploration and the fur trade, this site was called "La Grande Fourche". It is believed to be the point of first contact with the regional Indian population by Pierre Radisson in 1670 (Berard, 1974). The site has potential for seasonal use associated with traditional activities.

SITE 10 - HAYES/FOX RIVERS

LOCATION:	Junction of the Hayes and Fox Rivers. 56° 5' N lat, 93° 17' W long.
SIZE:	800 acres (324 ha)
TYPE OF SELECTION:	NFA Article 2, Land Exchange

DESCRIPTION:

The site is located on moderately to steeply sloping river terrace on the east bank of the Hayes River. Soils have developed on well to poorly drained, deep, silt and clay textured river sediments. Vegetation cover includes mature and mixed forest shrub and bog communities.

EXISTING USE:

Unoccupied provincial crown land. A winter road crosses the river at the northern portion of the site.

SIGNIFICANCE:

The site is located at the junction of two important traditional water routes: the Hayes River and the so called "Middle Track". The latter route down the Fox and Bigstone Rivers was the one most commonly used by Indian trading parties travelling to York Factory. The site has potential for seasonal use associated with traditional activities.

SITE 11 - KETTLE LAKE

LOCATION:	North shore of Kettle Lake, 56° 10' N lat, 95° 00' W long.
SIZE:	106 acres (43 ha)
TYPE OF SELECTION:	NFA Article 3, Land Exchange

DESCRIPTION:

The site is located on moderately sloping terrain. Soils are deep and predominantly well-drained. Vegetation cover is immature black spruce and aspen.

EXISTING USE:

The parcel is located to the southeast of a hydro transmission line corridor and winter trail. A cabin appears to be situated on the western most portion of the site.

SIGNIFICANCE:

The site has potential for seasonal use associated with domestic hunting and fishing. Overland access to the site is possible in winter along the hydro corridor from Gillam or Ilford.

SITE 12 - CURTIS LAKE

LOCATION:	Land between Curtis and Donald Lakes, 57° 5' N lat, 93° 50' W long.
SIZE:	260 acres
TYPE OF SELECTION:	NFA Article 3, Land Exchange

DESCRIPTION:

Site is located on gently to steeply sloping terrain. Soil drainage ranges from poor to well-drained. Vegetation is predominantly stunted and immature spruce, deciduous trees and shrubs.

EXISTING USE:

Unoccupied provincial crown land.

SIGNIFICANCE:

This parcel is located within the proposed York Factory trapline section east of the Hudson Bay rail line. It has potential for seasonal use associated with traditional trapping and hunting activities.

SITE 13 - DAFOE LAKE

LOCATION:	Island on Dafoe Lake, 55° 45' N lat, 96° 15' W long.
SIZE:	133 acres (54 ha)
TYPE OF SELECTION:	NFA Article 3, Land Exchange

DESCRIPTION:

The site is located on an island. The terrain is gently to steeply sloping. Soil drainage ranges from good to poor. Vegetation is primarily mature and immature black spruce.

EXISTING USE:

The parcel is unoccupied provincial crown land. A number of cabins are located elsewhere on the lake. The parcel is within the Split Lake Hold Area.

SIGNIFICANCE:

The lake has potential for development of a commercial sport fishing operation associated with neighbouring lakes: Gunn, Diana and Joy. The lake is accessible by winter trail from Pit Siding.

SITE 14 - GUNN LAKE

LOCATION: Gunn Lake, 55° 48' N lat, 96° 18' W long.
SIZE: 140 acres
TYPE OF SELECTION: NFA Article 3, Land Exchange

DESCRIPTION:

Moderately undulating terrain with gentle to steep slopes. Moderately deep, well drained soils predominate. Vegetation cover is predominantly mature black spruce forest with white spruce, birch and aspen.

EXISTING USE:

Unoccupied provincial crown land. The parcel is within the Split Lake Hold Area.

SIGNIFICANCE:

The lake has potential for development of a tourist outcamp in association with Dafoe Lake. Gunn Lake appears to be accessible by water from Dafoe Lake. The site is also suitable for seasonal recreation by Band members.

SITE 15 - JOY LAKE

LOCATION:	Joy Lake, 55° 45' N lat, 95° 55' W long.
SIZE:	13 acres
TYPE OF SELECTION:	NFA Article 3, Land Exchange

DESCRIPTION:

Narrow ridge forming peninsula on lake. Predominantly moderately steep slope. Well drained. Black spruce forest.

EXISTING USE:

Unoccupied provincial crown land.

SIGNIFICANCE:

Site has potential for development of a tourist outcamp associated with the operation at Dafoe Lake.

SITE 16 - DIANA LAKE

LOCATION:	Diana Lake, 55° 43' lat, 95° 47' W long.
SIZE:	22 acres (9 ha)
TYPE OF SELECTION:	NFA Article 3, Land Exchange

DESCRIPTION:

Moderately sloping terrain. Shallow soils. Mature black spruce vegetation. Sheltered docking.

EXISTING USE:

Unoccupied provincial crown land.

SIGNIFICANCE:

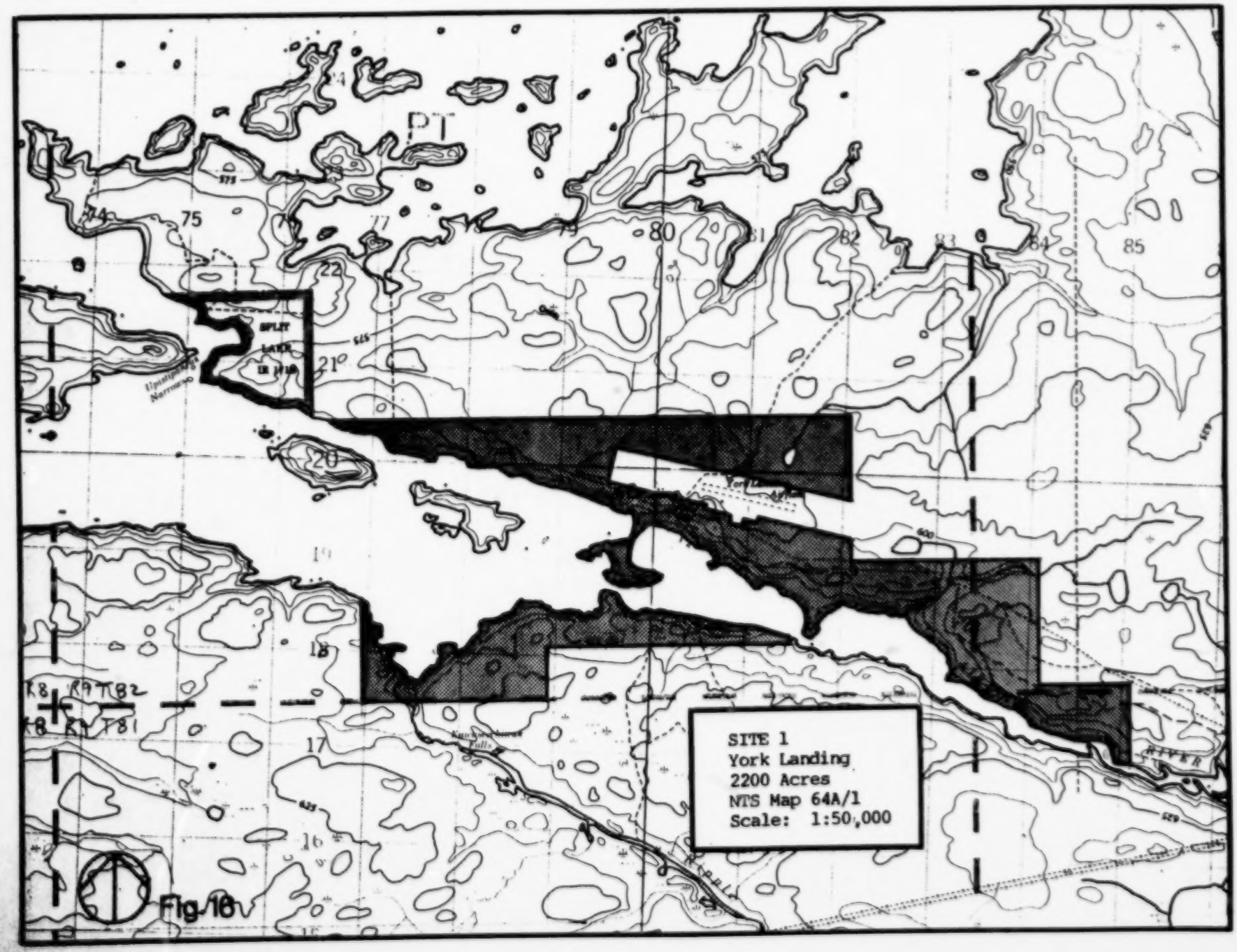
The site has potential for development of a tourist outcamp associated with a sport fishing operation on Dafoe Lake.

SITE 17 - WAR LAKE

LOCATION:	War Lake, 55° 55' N lat, 96° 40' W long.
SIZE:	204.85 acres
TYPE OF SELECTION:	Treaty Land Entitlement

SIGNIFICANCE:

This site has been selected by the War Lake Indian Band. The York Factory Band has agreed to allocate 200 acres of their unfulfilled treaty land entitlement to be set aside as a reserve for the War Lake Band.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75
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SPLIT LAKE IR #171
SITE 1
York Landing
2200 Acres
NTS Map 64A/1
Scale: 1:50,000

Fig 18

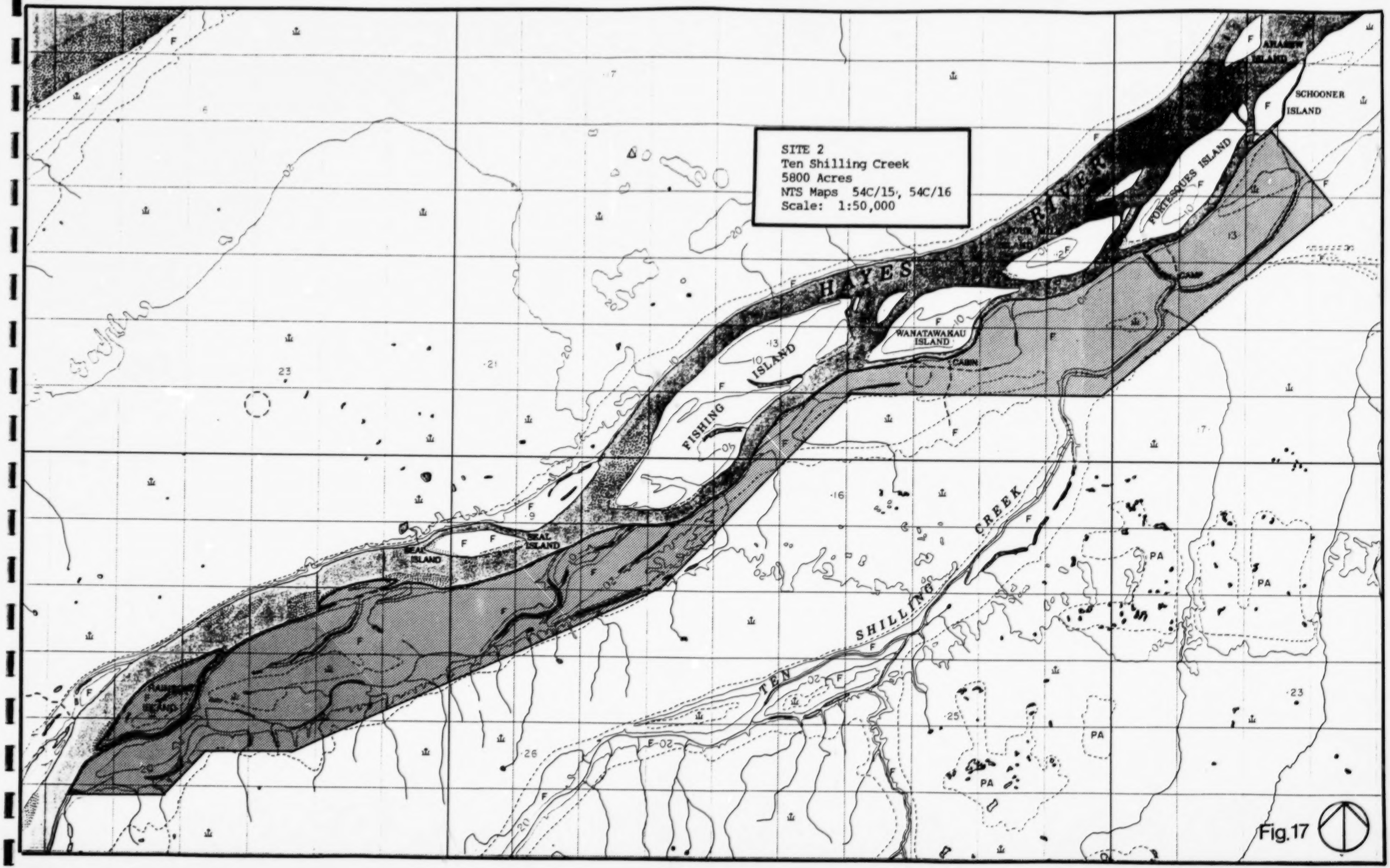
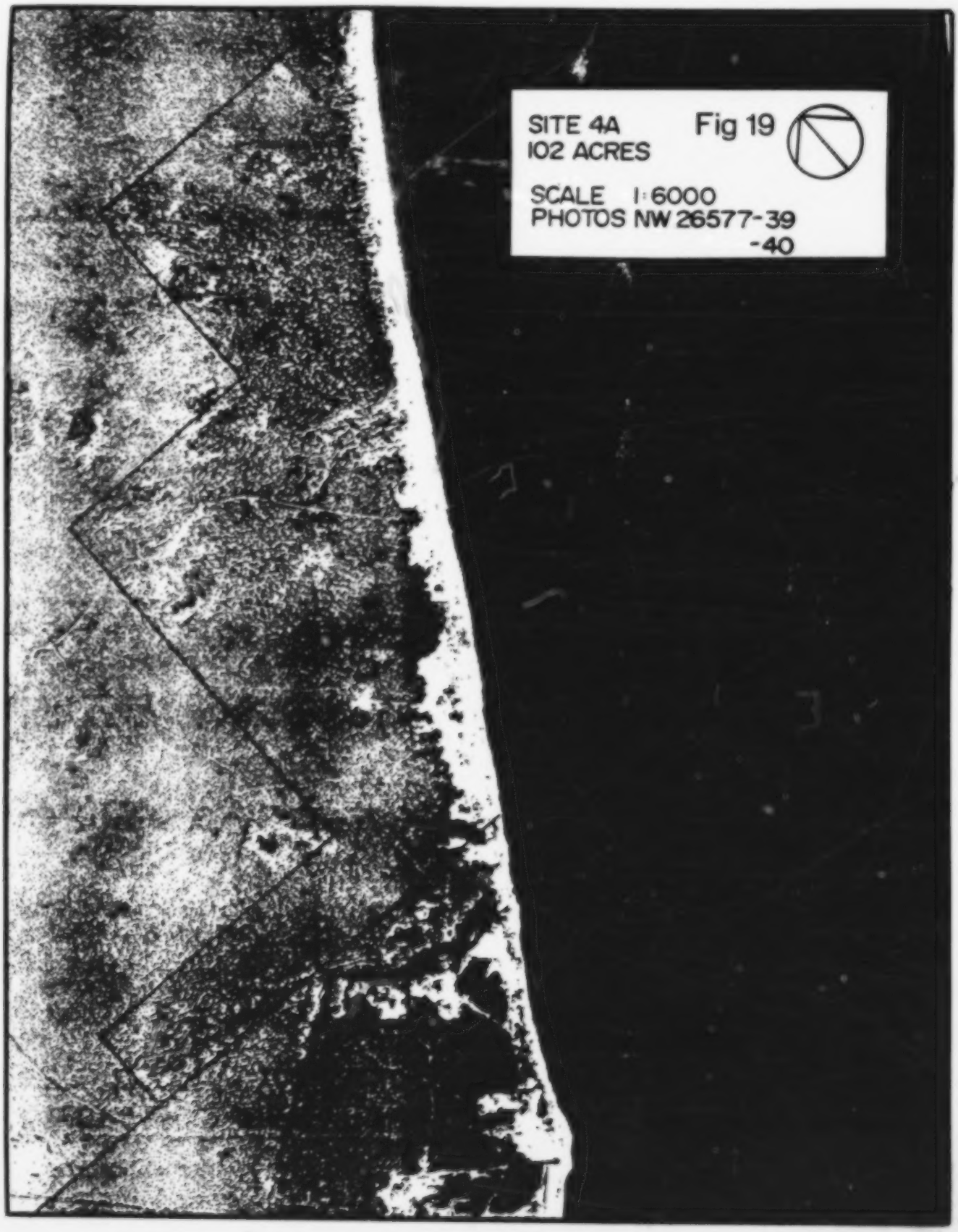

SITE 2
Ten Shilling Creek
5800 Acres
NTS Maps 54C/15, 54C/16
Scale: 1:50,000
HAYES RIVER
ARAMIS ISLAND
SCHOONER ISLAND
PORTESQUES ISLAND
WANATAWAKAU ISLAND
CABIN
FISHING ISLAND
SEAL ISLAND
SEAL ISLAND
TEN SHILLING CREEK
PA
PA
PA
PA

Fig.17

SITE 3
FRENCH CREEK
400 ACRES

Fig. 18


SITE 4A
102 ACRES
Fig 19
SCALE 1:6000
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-40

Fig. 20

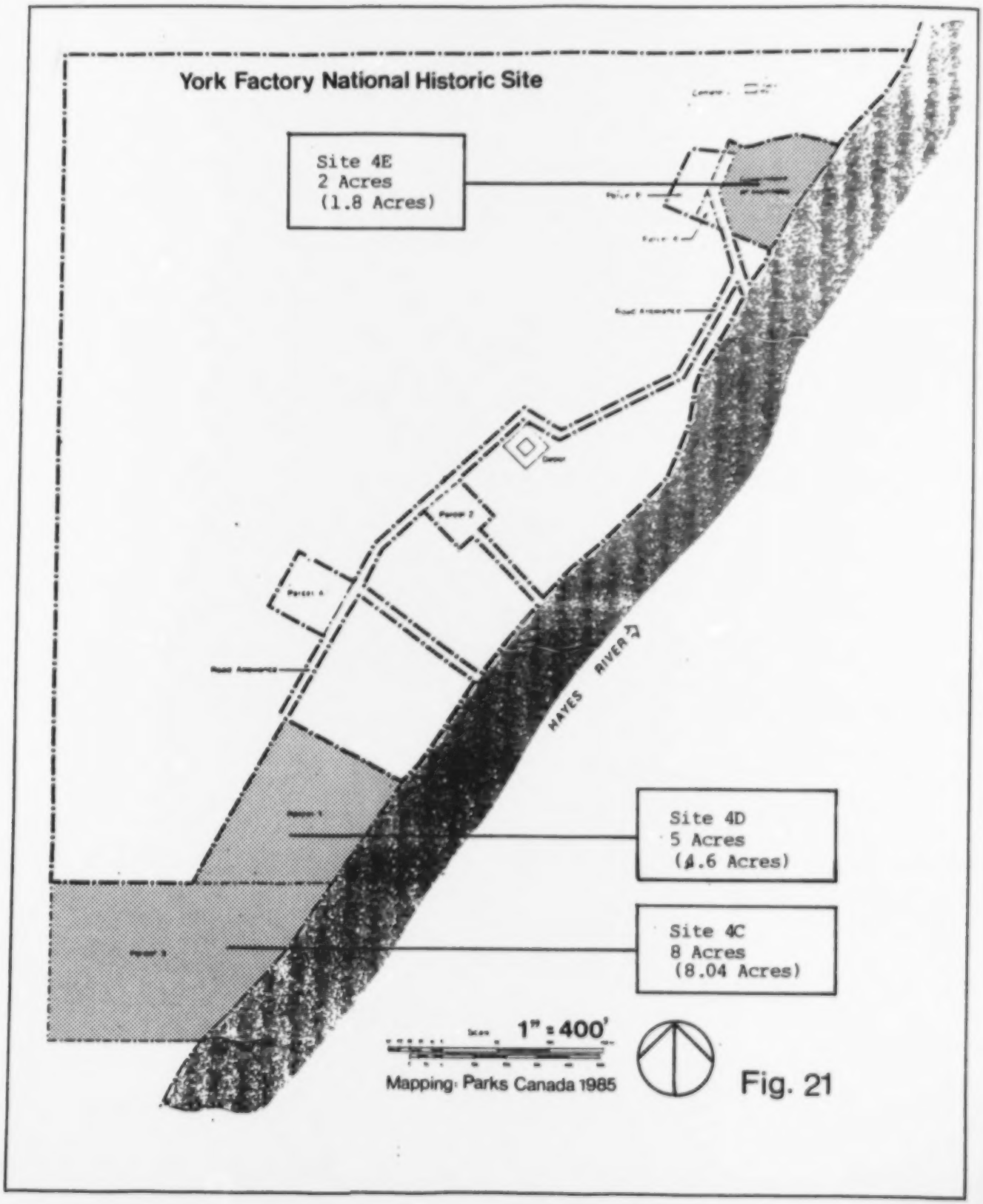
York Factory National Historic Site
Site 4E
2 Acres
(1.8 Acres)
HAYES RIVER
Site 4D
5 Acres
(4.6 Acres)
Site 4C
8 Acres
(8.04 Acres)
1" = 400'
Mapping: Parks Canada 1985

Fig. 21

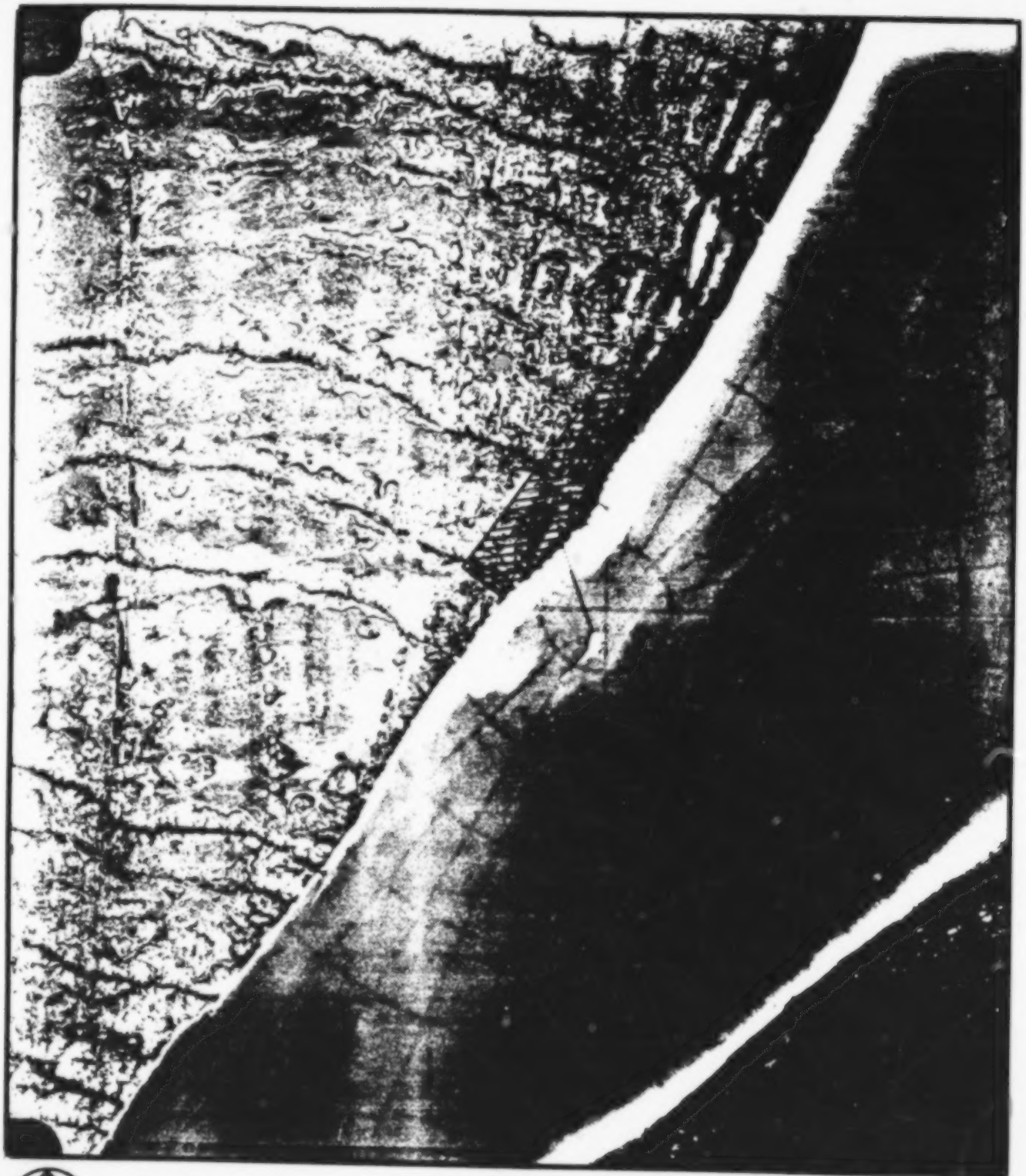

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Fig. 22 SITE 5
PORT NELSON
400 ACRES

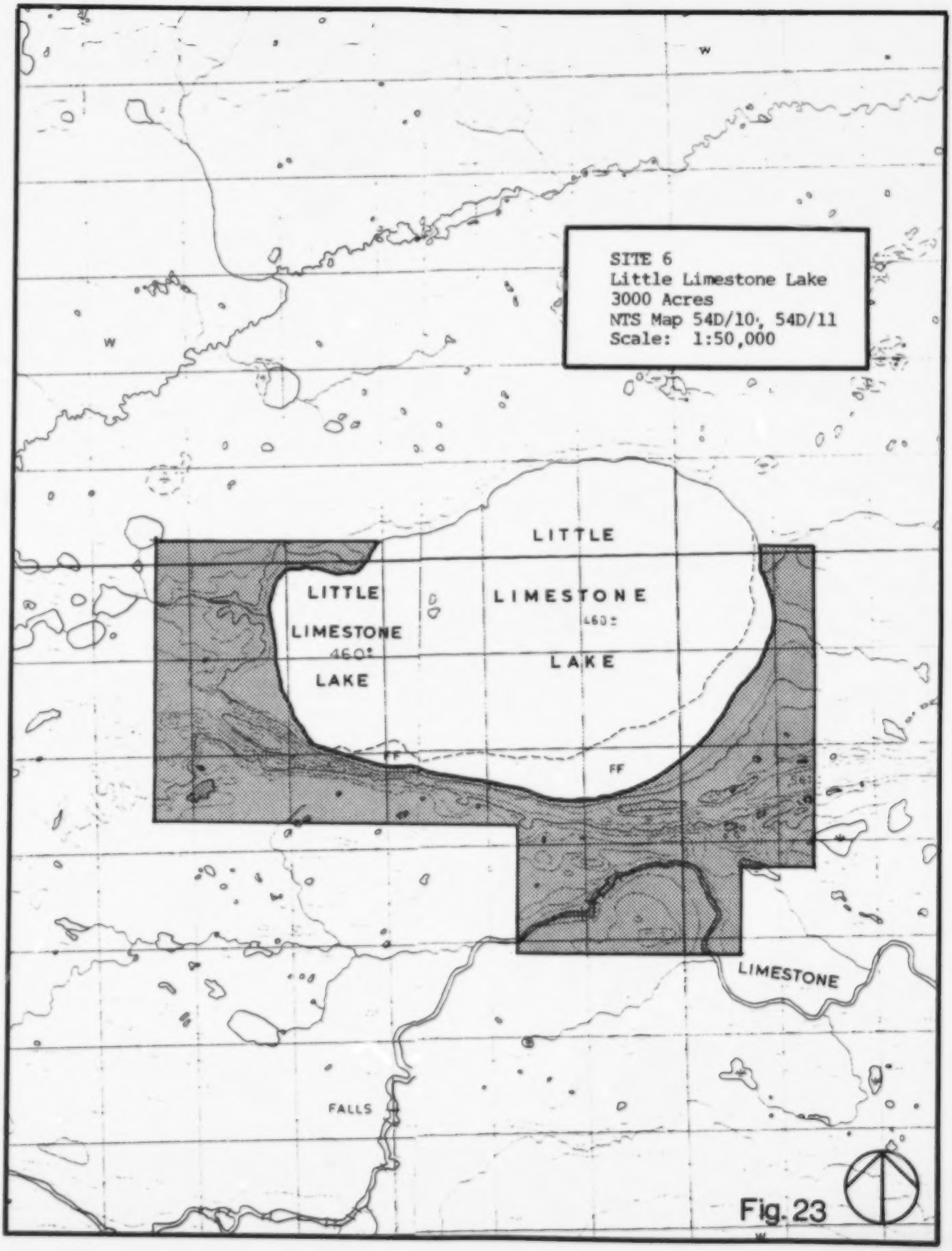

SITE 6
Little Limestone Lake
3000 Acres
NTS Map 54D/10, 54D/11
Scale: 1:50,000
LITTLE
LIMESTONE
460±
LAKE
LITTLE
LIMESTONE
460±
LAKE
FF
FF
LIMESTONE
FALLS

Fig. 23

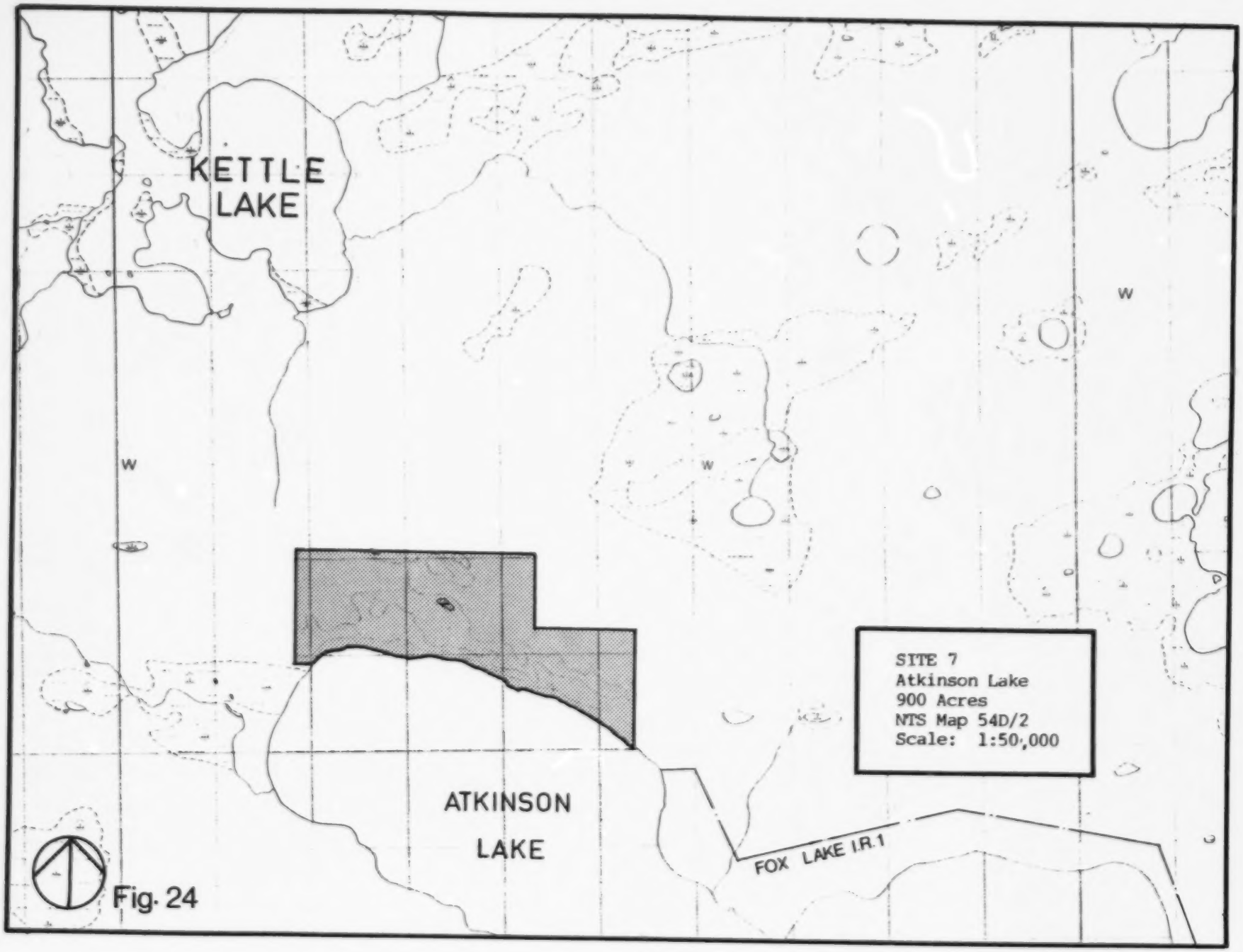
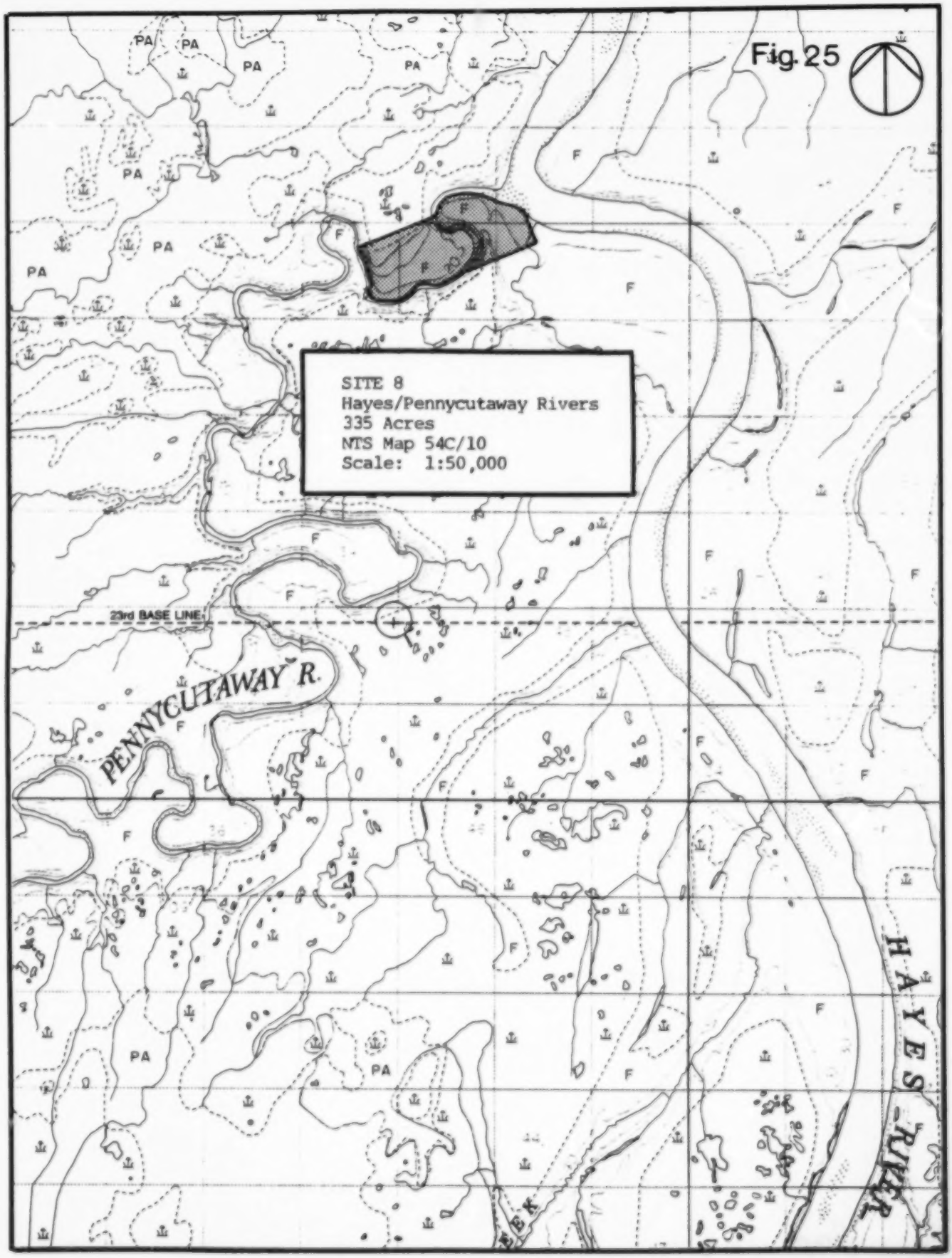

KETTLE
LAKE
W
W
W
ATKINSON
LAKE
FOX LAKE I.R.1
SITE 7
Atkinson Lake
900 Acres
NTS Map 54D/2
Scale: 1:50,000

Fig. 24

Fig. 25


SITE 8
Hayes/Pennycutaway Rivers
335 Acres
NTS Map 54C/10
Scale: 1:50,000
23rd BASE LINE
PENNYCUTAWAY R.
HAYES RIVER
PA
F

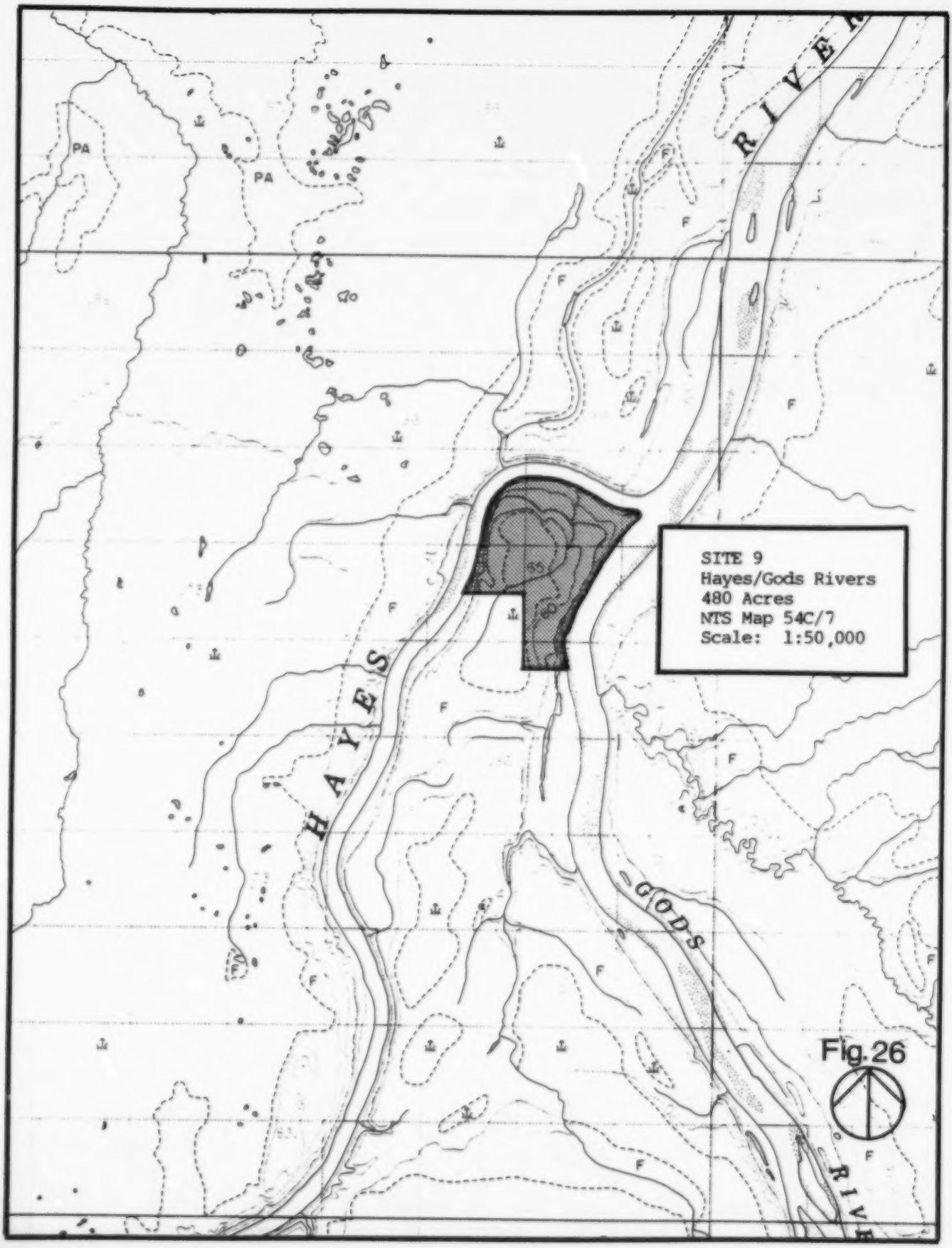

SITE 9
Hayes/Gods Rivers
480 Acres
NTS Map 54C/7
Scale: 1:50,000
HAYES
GODS
RIVER
PA
PA
F

Fig.26

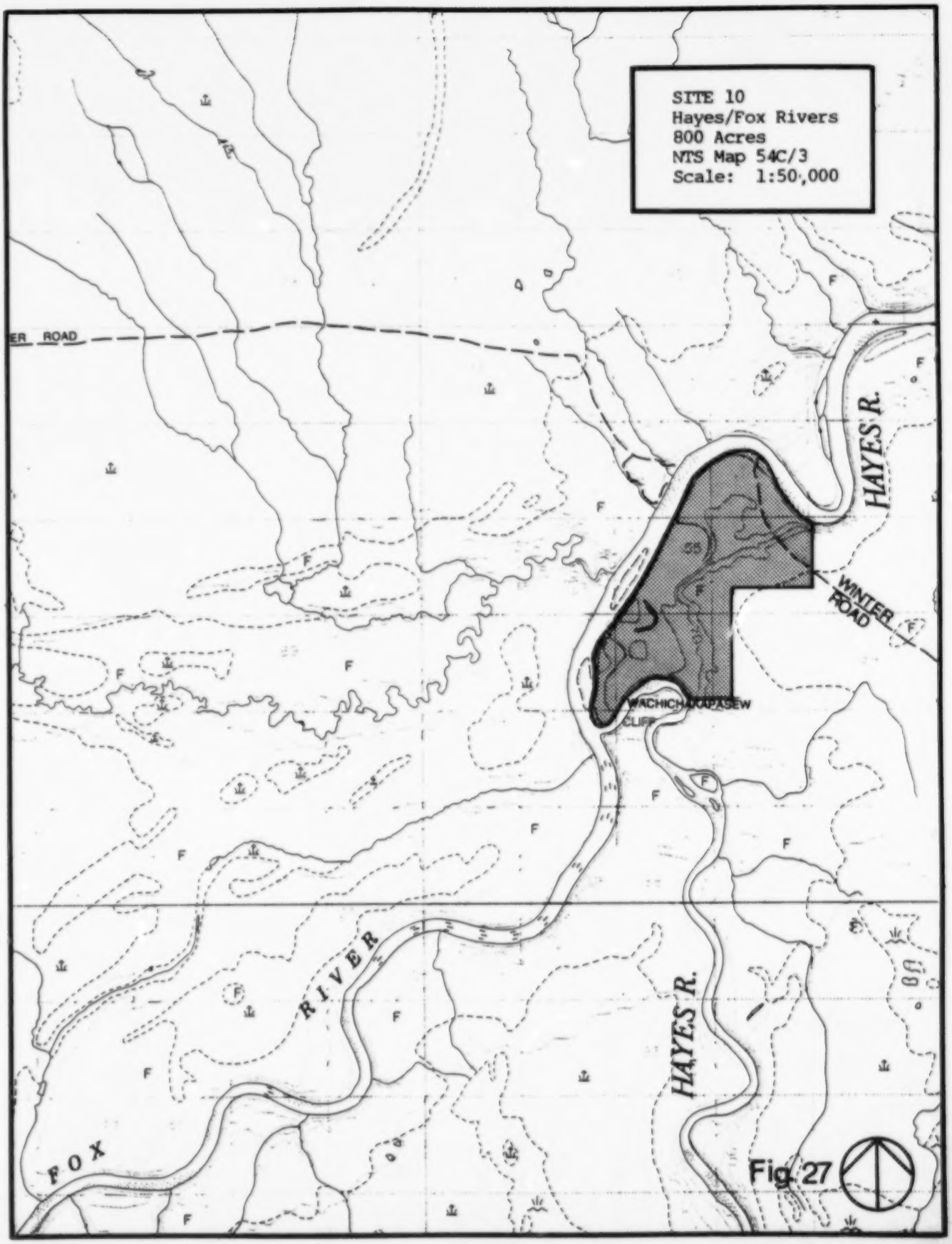

SITE 10
Hayes/Fox Rivers
800 Acres
NTS Map 54C/3
Scale: 1:50,000
ER ROAD
HAYES R.
WINTER ROAD
WACHICHAKAPASEW CLIFF
FOX RIVER
HAYES R.

Fig. 27

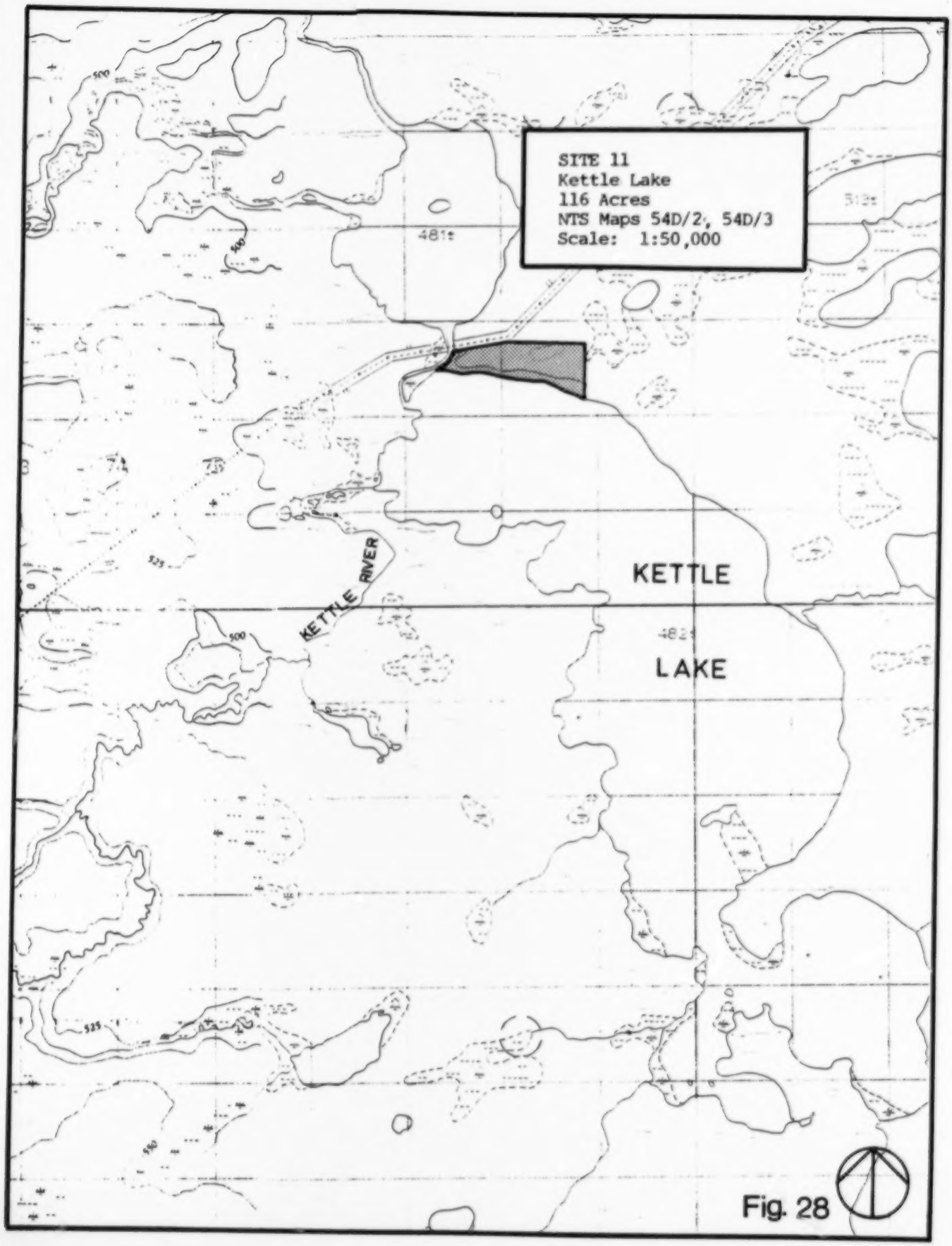
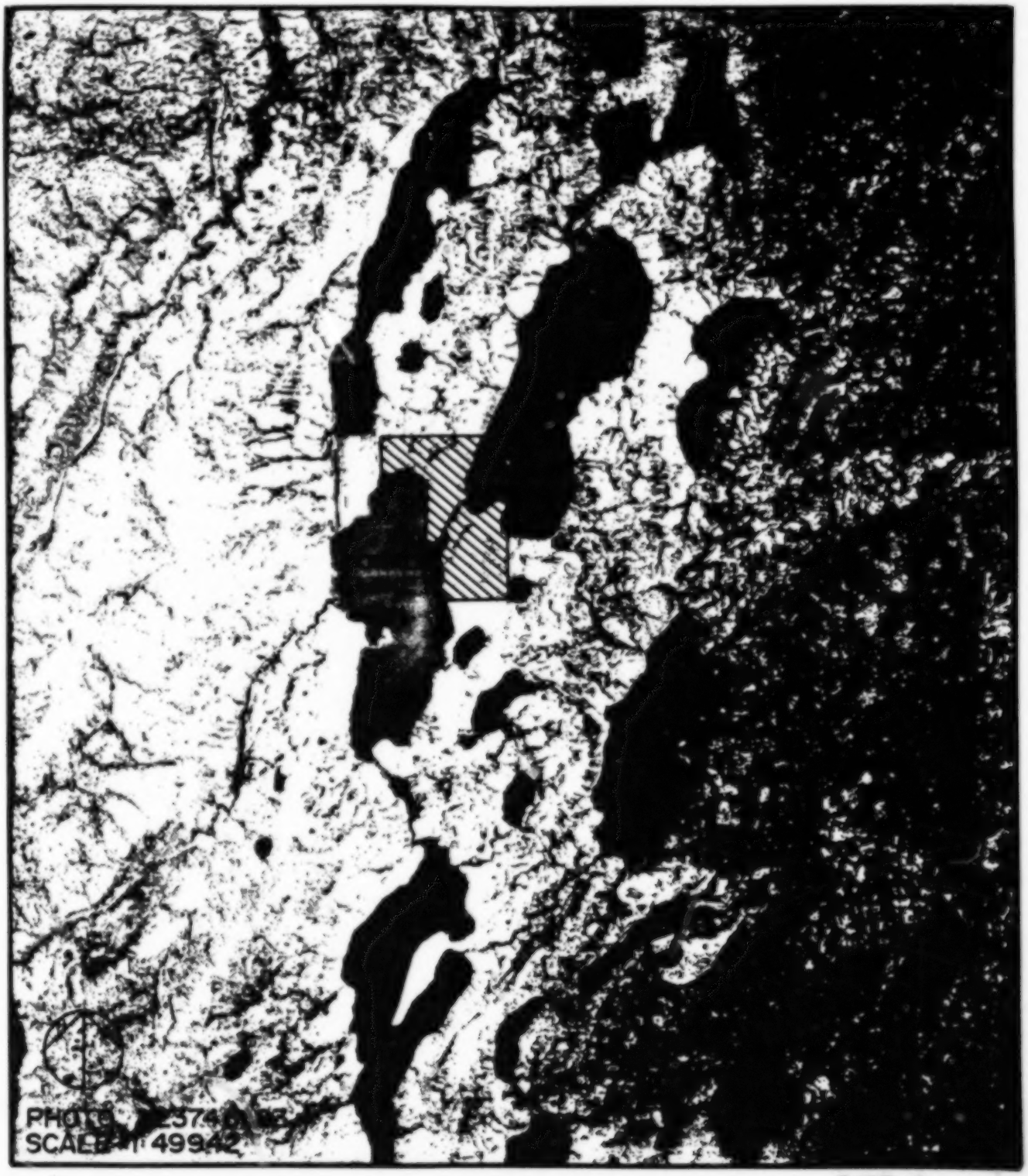

SITE 11
Kettle Lake
116 Acres
NTS Maps 54D/2, 54D/3
Scale: 1:50,000
KETTLE
LAKE
KETTLE RIVER

Fig. 28



SITE 12
CURTIS LAKE
Fig. 29 260 ACRES

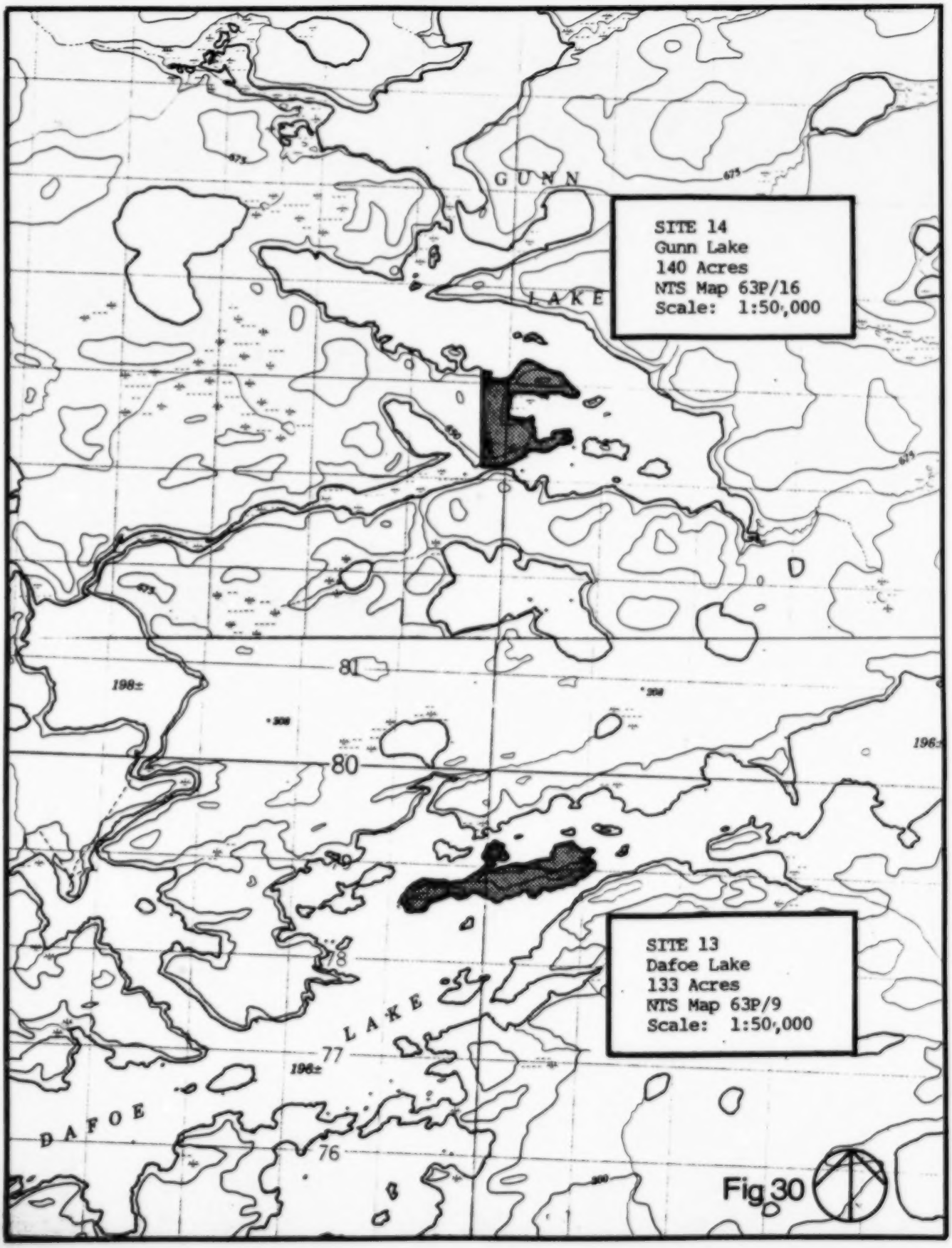
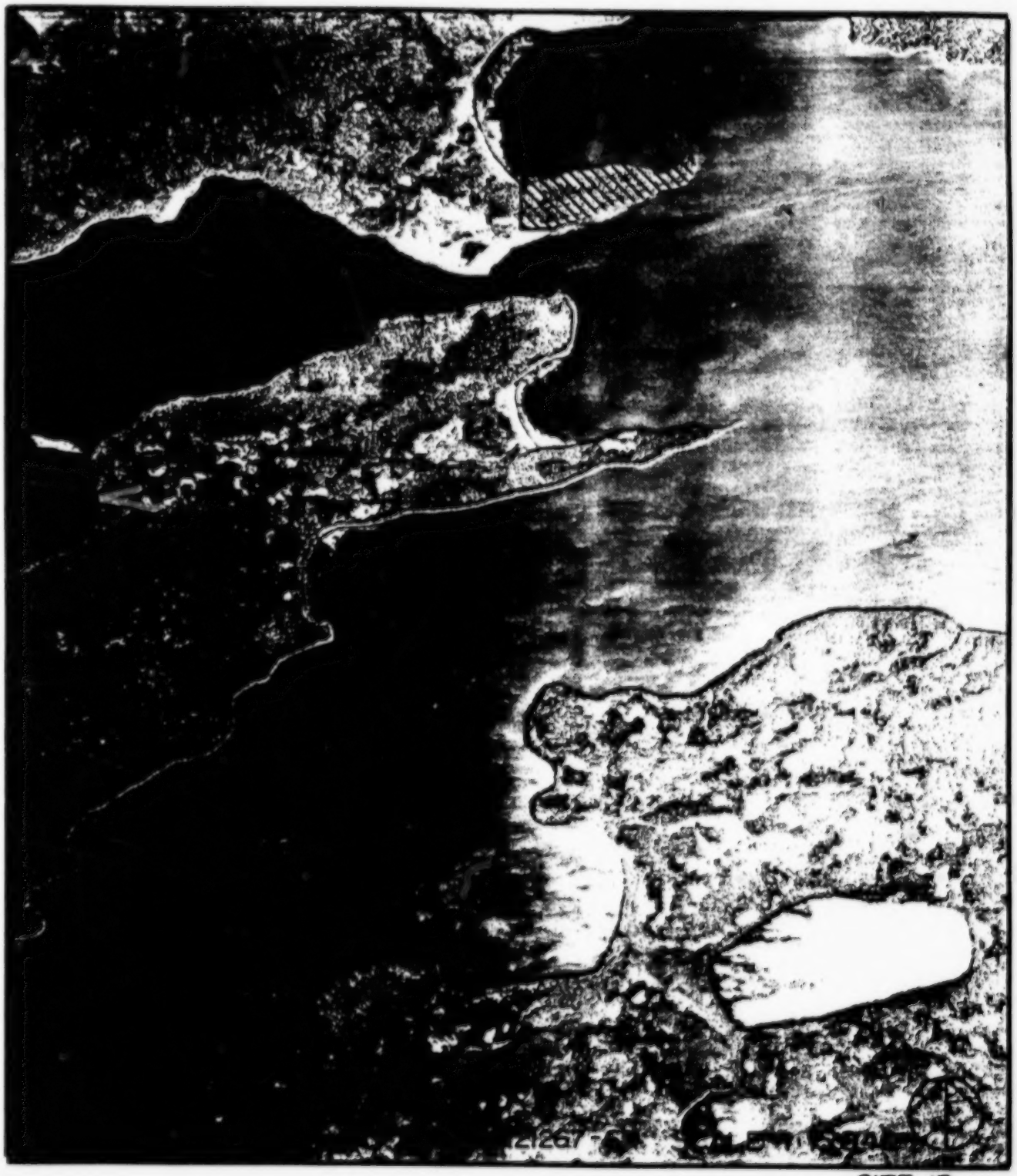

GUNN
LAKE
SITE 14
Gunn Lake
140 Acres
NTS Map 63P/16
Scale: 1:50,000
81
198±
80
196±
79
78
LAKE
77
196±
DAFOE
76
SITE 13
Dafoe Lake
133 Acres
NTS Map 63P/9
Scale: 1:50,000

Fig 30



SITE 15
JOY LAKE
13 ACRES

Fig. 31

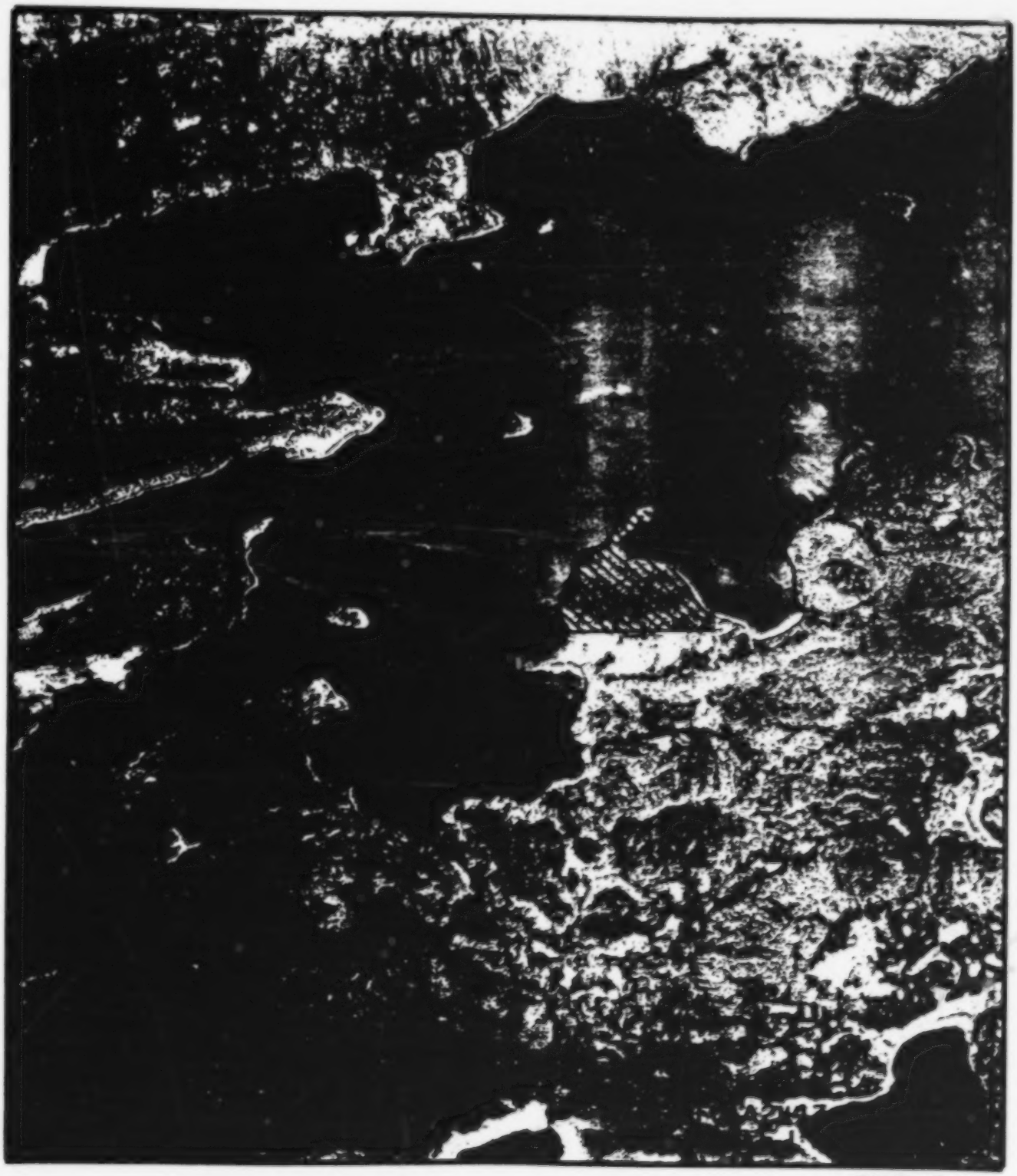


Fig. 32 SITE 16
DIANA LAKE
22 ACRES

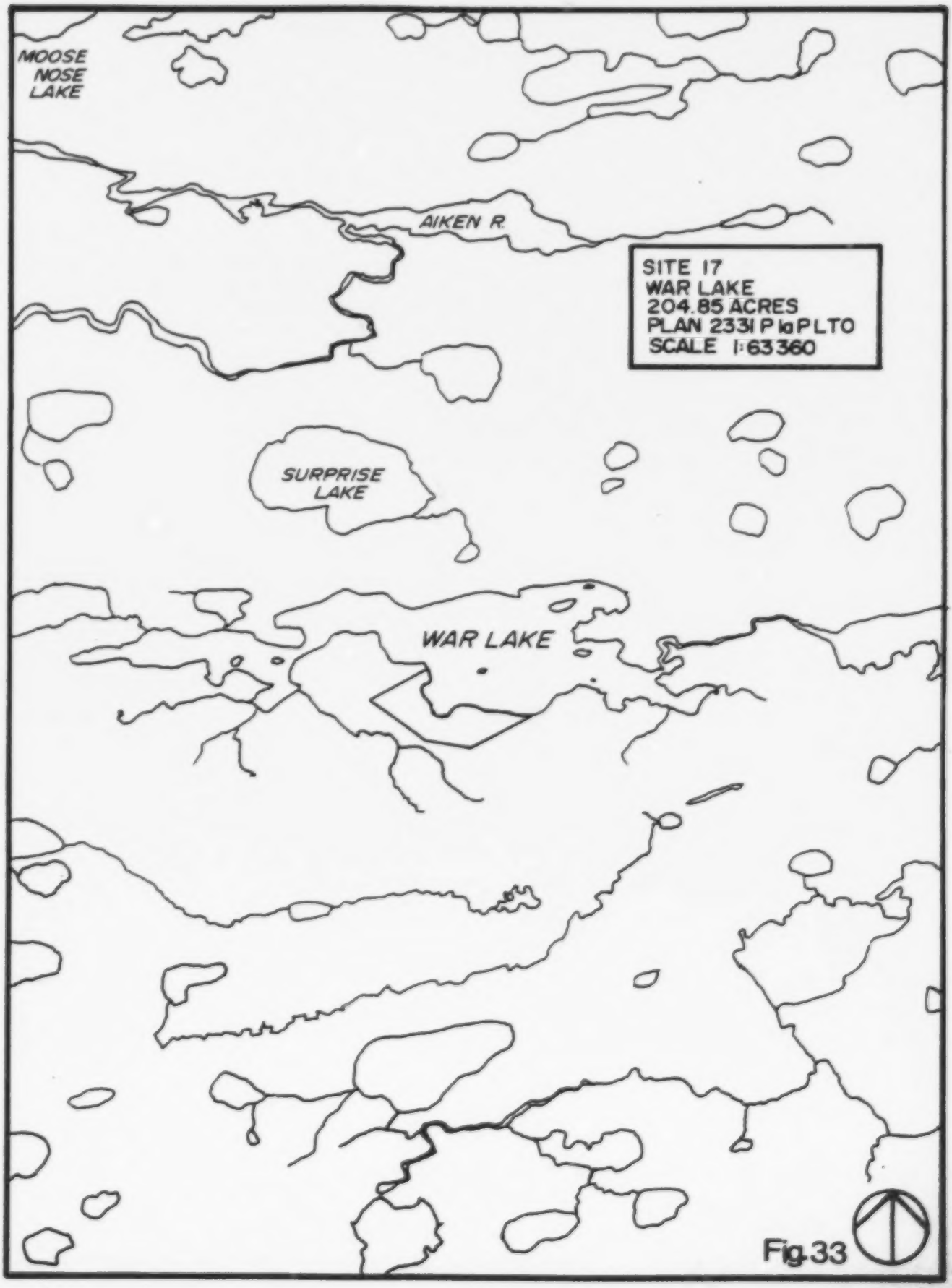

MOOSE
NOSE
LAKE
AIKEN R.
SITE 17
WAR LAKE
204.85 ACRES
PLAN 2331 P la PLTO
SCALE 1:63360
SURPRISE
LAKE
WAR LAKE

Fig.33

Implementation

Nelson River at junction of Limestone River. Manitoba Archives Photo.

6. Implementation

This study recommends the creation of four types of land areas for the use of the York Factory Band: the Resource Area (including Trapline Zone); hold areas; land exchange areas; and treaty land entitlement parcels. The establishment of these lands will involve negotiations involving the Band, the Northern Flood Committee, Canada and Manitoba. Because of four party involvement, conflicting priorities of different government departments, existing land use allocations and poorly defined implementation procedures this process will, undoubtedly, be long and complex. It is possible that during the negotiation process many of the land selection areas recommended by this study will be significantly revised. This section of the report outlines in general terms the process which will be followed to implement the study recommendations.

The establishment of these new areas will greatly increase the Band's responsibilities for managing and administering land. This section also outlines, briefly, the management steps to be undertaken by the Band.

6.1 RESOURCE AREA/TRAPPING AREA

Article 15.1 of the Northern Flood Agreement defines the Resource Area as the "Trapline Zones, and . . . the rivers and lakes which were traditionally available and used by them (the Band) as a source of food supply, income-in-kind and income". The York Factory Band has special privileges relating to the management and use of wildlife within the resource area as set out in Article 15 "Wildlife Resources Policy". It is important, therefore, that the Band's Resource Area be defined and recognized by others particularly the Provincial Wildlife Branch.

The Resource Areas of the other four NFC communities are strongly associated with their trapline zones. The York Factory Band's lack of a registered trapline section restricts their ability to fully participate in the Northern Flood Agreement particularly in areas of wildlife policy. The need to define the Band's resource area and establish a trapping zone is critical.

Preliminary discussions concerning the establishment of a trapping area have already taken place involving the Band, trappers and the Provincial Wildlife Branch. Formal discussions are required however to establish the Resource Area and trapping area for purposes of the Agreement. The York Factory Band should sent a Band Council Resolution to the Province of Manitoba which defines the Band's Resource Area and requests the re-establishment of the York Registered Trapline Section.

The York Factory Band will be able to advise Manitoba on the management of wildlife within the Resource Area (including the trapping area) through its representation on the Wildlife Advsory Board. A York Factory trappers association should be formed to advise the Wildlife Advisory Board and the Province on issues pertaining to trapping in the York R.T.L. section.

6.2 HOLD AREAS

Article 4 of the Northern Flood Agreement describes, in general terms, the process for delineating and implementing hold areas. The hold areas were to be established for each community following the signing of the Northern Flood Agreement and were to remain in effect for a 5 year selection period. During the selection period, the Band was to select parcels of land which would "contribute to the viability of the community including the well-being of any of its members". These parcels would then

be set aside for the exclusive use of the Band or individual Band members. The selection period could be extended beyond the 5 year limit if required to ensure that the Bands had enough time to select, investigate and implement development of exclusive use parcels.

The other four Northern Flood Committee Bands (Cross Lake, Nelson House, Norway House and Split Lake) submitted proposals for hold areas to the Province of Manitoba in 1983 in the form of the NFC Land Exchange and Land Use Study final report (HIlderman Witty Crosby Hanna & Associates, 1983). Three years later, at the time of writing of this report, hold areas have not been established for any of the Bands.

The major stumbling block to the implementation of hold areas appears to be Provincial disagreement with the size of the hold areas proposed by the four NFC Bands. Given that the hold areas proposed by the York Factory Band are of a similar order of magnitude to those of the other four Bands, it is likely that Provincial approval for the York Factory Band proposals will be delayed.

Manitoba has yet to define, however, its interpretation of an acceptable hold area. This lack of response is intolerable given that it is now eight years since the Northern Flood Agreement was signed and the original 5 year "selection period" has long been passed.

Article 4.1 describes a hold area as "a substantial area of land . . . which is specifically defined on a map attached hereto and by legal descriptions". The maps were to be attached to the Agreement as Schedule "H", however the only hold area map included in this schedule was for the Nelson House Band. The Nelson House Band maintains that this map does not represent the area they want as a hold area.

Manitoba's reluctance to approve the proposed hold areas relates to its perception that the areas are too large and will result in the alienation of an unacceptably large area of Provincial Crown Land. The Province should remember, however, that the hold area is a temporary phenomenon that exists only for the length of the "selection period". Once exclusive use parcels are selected, the hold area itself dissappears. Given that the Bands are interested in specific land parcels and resources within the hold areas, the quantum of land which will be set aside for Band use are likely to be much smaller than the hold areas. Furthermore, to make a meaningful contribution to the "viability of the community" the hold areas must include sufficient land and resources to meet Band needs over the long term. As land and resources with development potential tend to be widely scattered, hold areas must be large to provide for these long term needs.

It is in Manitoba's interest to assist the Bands to examine the resource base in more detail, select exclusive use parcels and undertake their development. The sooner that this process of examination and development occurs, the sooner the hold area boundaries may be erased. The Province can assist the Bands by providing information on resources and development opportunities; contributing the expertise of provincial resource and development specialists; and funding assistance to undertake studies and implement development.

6.2.1 Implementation Steps

The following are the general steps to be followed to implement hold areas and exclusive use parcels.

1. Submission of Proposed Hold Areas to Province of Manitoba

This should take the form of a Band Council Resolution (BCR) accompanied by a copy of this report.

2. Provincial Response to Hold Area Proposals

Once Manitoba has agreed to the general location and size of proposed hold areas, they may require that certain parcels of land be excluded from hold area designation because of existing allocations, encumbrances or occupation. Once final agreement on the hold area is reached between the Band and Manitoba, the land will be set aside for the Band for a selection period.

3. Period of Study

During the selection period, the Band will undertake more detailed study of the land and resources of the hold areas and potential development opportunities. The Province could provide valuable assistance in these tasks to the Band in the form of resource information, expertise and funding assistance. Article 4.2 allows the selection period to "be extended as necessary to ensure that the Band has a reasonable opportunity to investigate, consider, obtain funding for, and implement such developments and uses as may be feasible".

4. Selection of Exclusive Use Parcels

The Band may select any parcel of land within the hold area for the exclusive use of the Band or individual Band members. The Band notifies the Province of its selection by Band Council Resolution.

5. Province Issues Use Permit

Manitoba will issue permits for the exclusive use of each parcel to the Band. The Band or any Band member may have exclusive use of a specific parcel, without fee of any kind, for "as long as any resident continues prudently to use that parcel for the foregoing purpose". The Band has responsibility for regulating the use of the parcel by Band members (Article 4.3). The parcel does not have to be developed immediately to ensure that its use is "prudent". Article 4.4 states "delay in implementing development or use, by reason of failure to organize or obtain funding or the like, shall not be deemed to be failure to prudently use any parcel". Further, the Band may se;ect land and resources which will be required for future use to replace other resource supplies once utilized (eg. sand and gravel reserves, immature timber). Land which supports renewable resources (eg. timber) will be held in perpetuity while non-renewable resource lands can be given up once they are no longer suitable for use.

6. Changes to Parcel Selections

Within the selection period, the Band may relinquish any parcel of land and select another of equal size within the hold area to replace it.

7. Termination of Use

If Manitoba determines that any parcel within the hold area is "no longer being used for the purposes or in the manner contemplated" by the Agreement the Province may notify the Band of its intent to revoke the use permit for the parcel (Article 4.6). If within six months, the Band cannot show that use of the parcel is appropriate, the use permit may be cancelled. Note in step 5 above, however, that delay in the use of a parcel does not necessarily mean that a parcel is not being prudently used.

6.2.2 Management

The vast expanse of the proposed hold areas and the varied resource capability of such lands requires that serious consideration be given to the long term management of such lands. Such management is of benefit to the Province of Manitoba as the managers of the resources within the hold areas and to the Bands as the potential users of the resources. Further, it is in the interest of Manitoba, Canada and Manitoba Hydro that such management programs provide long term socio-economic development opportunities for the residents of the five affected communities.

As a result, it is essential that Manitoba make available through Schedule "E" of the Northern Flood Agreement, the necessary inhouse professionals such as foresters, geotechnical engineers, agronomists and others to develop realistic management programs which ensure long term resource utilization and benefit to the affected communities. Such programs must be developed in close consultation with the individual communities. In addition, it is essential that necessary training programs be established to ensure that the affected Bands undertake their own effective role in the management and use of natural resources in the exclusive use parcels.

6.3 LAND EXCHANGE/LAND ENTITLEMENT

The process to create new Indian Reserve Land is similar for both land exchange under the Northern Flood Agreement and Treaty Land Entitlement. The major difference in the two methods of land selection is in the type of land which is eligible for selection. Article 3.2 of the Northern Flood Agreement defines the lands eligible for land exchange as unallocated, unencumbered and unoccupied Provincial Crown Land selected from within the Band's traditional use area. The land selected does not have to be

adjoining an existing Reserve. Preliminary discussions between Canada, Manitoba and the treaty entitlement Bands indicate that in addition to unencumbered Provincial and Federal land, some private land and occupied land may also be eligible for selection.

Federal government involvement in the land exchange and treaty entitlement selection process stems from Canada's role as a trustee of Indian Reserve Land. Provincial involvement is required because the vast majority of land eligible for selection is owned by Manitoba.

6.3.1 Land Exchange

Article 3 of the Northern Flood Agreement describes, in general terms, the process for transferring land exchange lands from the Province to the Band. These are as follows:

1. Submission of Proposed Land Exchange Areas to Manitoba

This should take the form of a Band Council Resolution (BCR) accompanied by the land parcel maps contained in this report.

2. Provincial Response to Land Exchange Proposals

The province has three months from receipt of the Band's submission to exclude any portion of the parcel required for specific intended public purposes. Following this period, Manitoba will transfer the parcel or remaining portions of the parcel to the federal government to be set aside as a Reserve for the Band. All of the Band's rights and privileges purtaining to Indian Reserve Land, including mineral rights will apply to the new parcels.

Should the Band disagree with the Province on the land excluded from the exchange areas, the Band could refer the matter to the arbitrator for resolution. If portions of the land exchange submissions are excluded, the Band will select alternate lands to replace them. An excess of land has been identified in this report to allow for this possibility.

In reality, the Province is likely to require more than three months to respond to land exchange submissions. The other four NFC Bands submitted land exchange proposals to the Province in 1983 in the final report of the NFC Land Exchange and Land Use Study (Hilderman Witty Crosby Hanna & Associates, 1983) and no official response has been received by the Bands to date. While it is understandable that the provincial review process could take longer than the stated three months, the delay in responding to the previous requests is unjustifiable.

3. Changes to Selections

Article 3.4 of the Northern Flood Agreement states that the Band may revise its original land exchange selections at any time during a five year period following the signing of the Agreement. While the five year peirod has already passed, this flexibility which allows the Band to change its selection should be maintained to ensure that the Band is completely satisfied with selected areas. This report describes the proposed land selections as preliminary with final selection being based on field investigation by the Band and confirmation of the selection by the general Band membership.

4. Finalization of Quantum of Land Exchange

The area of land exchange owing to the Band is based on a ratio of 4:1 to Reserve lands affected by the Hydro Severance Line. This area was to be determined within a two year period following the signing of the Northern Flood Agreement (Article 3.13) but to date has not been finalized. Calculations of this area is also dependent on the establishment of the York Landing Reserve which is anticipated within months.

The Agreement permits selection of land exchange lands based on preliminary estimates of the quantum of land exchange owing to the Band. However, final determination of land exchange selections must wait until the severance line and York Landing Reserve are finalized.

5. Land Survey

Once the land exchange areas are finalized, the land parcel must be surveyed and a legal plan prepared. This survey is the responsibility of the Province of Manitoba.

6. Transfer of Land to Reserve Status

Once agreement on the land exchange areas has been reached between the Band and Manitoba, formal transfer of the land to Indian Reserve status must take place. This requires the signature of the Minister of Indian Affairs and formal approval the the Privy Council. The process leading to the Order-in-Council involves some 24 steps as outlined in Figure 34.

FIGURE 34: STEPS LEADING TO FEDERAL ORDER-IN-COUNCIL

1. Ascertain that all necessary documentation available.
2. Draft a submission and send for typing (English).
3. Draft submission to Legal Services for approval as to form and content.
4. Once approval is received, send for translation.
5. Draft English and French, send for typing in final form.
6. Check for "typos" and make necessary (11) copies.
7. Insert in "red" folder and get initialled by originator.
8. Immediately to supervisor for initialling.
9. Director, Lands Director.
10. Director General, Reserves and Trusts.
11. Program Coordinator for control number.
12. Departmental Coordinator to prepare for final signature.
13. Legal Services for review in final form.
14. Deputy Comptroller, Financial Management.
15. Sr. Assistant Deputy Minister, Financial Management.
16. Executive Director, Office of Native Claims, (in cases of additions to reserves).
17. Assistant Deputy Minister (Indian and Inuit Affairs).
18. Deputy Minister (Now Associate Deputy Minister).
19. Minister's office for signature.
20. Return to Departmental Coordinator to forward to Privy Council.
21. Once approved by Privy Council, return to Departmental Coordinator for distribution.
22. Program Coordinator provides original Order in Council and certified true copies to originator.
23. Original or certified true copy of Order in Council sent for registration and to Regional Office.
24. Regional Office advised of registration particulars.

SOURCE: Indian & Northern Affairs Canada

6.3.2 Treaty Land Entitlement

The procedures for establishing new Indian Reserves under Treaty Land Entitlement have not been finalized in Manitoba. New Indian Reserves have been established in Manitoba in recent years, including the pending reserve at York Landing. These reserves have been dealt with on an individual basis and have involved the affected Band, Indian Affairs, Energy, Mines and Resources, numerous Provincial Departments, the Treaty and Aboriginal Rights Research Centre and others. Once the agreement on Treaty entitlement is finalized between the Treaty Bands, Canada and Manitoba the number of treaty land selections are expected to increase dramatically. Consequently, the Provincial and Federal governments are planning to streamline the process for reviewing and approving treaty land submissions. The approval process is expected to be similar to the one developed in Saskatchewan for treaty entitlement. A flow chart illustrating the Saskatchewan process is found on the next page (Figure 35).

6.3.3 Management

The pattern of land parcel selection which includes a large number of isolated sites requires that careful thought be given to the management of land exchange and land entitlement areas. Such management should be based upon two principles. These are: (1) long term management and conservation; and (2) benefit for all Band members. As a result, the following recommendation is proposed:

> "that the Band establish a series of land use by-laws as provided for in the Indian Act Sections 81-86 to regulate use and occupancy of the selected lands to those activities and development which meet the purpose of the selected lands".

FIGURE 35

SASKATCHEWAN LAND ENTITLEMENT REVIEW PROCESS

Validated Band sends land selection request via B.C.R. to I.A.N.D. Regional Office (IAND-R.O.)
Energy, Mines and Resources (EMR) Legal Surveys Division, prepares for I.A.N.D.-R.O. a Desk Book Sketch and reviews the selection for obvious survey requirements.
Request and Desk Book Sketch forwarded to the provincial Treaty Land Entitlement Coordinator (P.T.L.E.C.)
Request distributed by P.T.L.E.C. to affected Saskatchewan Government Departments and rural municipalities (R.M.) for their review and comments. The Director and Controller of Surveys (D.&C.S.) is also notified of pending selection.
Comments received by P.T.L.E.C. If no amendments requested by other Departments or R.M. then the selection process continues. If amendments are requested, Band has option to accept or renegotiate the Provincial offer or may choose to withdraw the original request altogether. Third Party interests are identified by the Province.
A Preliminary Plan is prepared by E.M.R., showing the selection and a space for signatures of the Chief and Council and the Federal and Provincial Governments agreeing to the lands negotiated for.
The selection is agreed to by all parties and the Preliminary Plan is signed accordingly. The Desk Book Sketch is revised by E.M.R. if necessary.
The Provincial Minister responsible for Treaty Land Entitlement, via a letter to the Federal Minister of I.A.N.D., commits those lands negotiated for subject to any exceptions, exclusions or conditions stated therein. Transfer is subject to the successful negotiations of Third Party interests by the Band.
Minister I.A.N.D. accepts on behalf of Crown Canada.
I.A.N.D.-R.O. advises E.M.R. that funds are available and the survey work may begin.
E.M.R. reviews the final selection and identifies survey and land consolidation problems, eg. water boundary definition and road closures.
I.A.N.D. and/or D.&C.S. are consulted by E.M.R. regarding the problem and a solution is arrived at prior to the issuing of instructions for the survey work. I.A.N.D. consults P.T.L.E.C. provincial matters.
E.M.R. issues instructions under Sec. 43 of Canada Lands Survey Act if selection in Federal Crown Land. E.M.R. requests instructions from D.&C.S. for Provincial Crown Lands. The Provincial instructions complemented by E.M.R. administrative instructions are sent to the contract surveyor.
The survey is completed and the returns are sent to E.M.R. Section 43 plans are examined by E.M.R. Plans of Provincial Lands are cursory examined by E.M.R. and then forwarded to the D.&C.S. for final examination.
E.M.R. receives examination results from D.&C.S. and forwards them on to the surveyor.
Plan is amended if need be and contractor sends original plan suitable for registration to E.M.R.
Original plan is forwarded to the Surveyor General (E.M.R.) for approval.
Plan is returned and then is forwarded to the D.&C.S. for approval and confirmation. He then sends it to the Provincial Minister responsible for the administration of the lands, where the site is to be taken from, for his signature.
Plan is returned to D.&C.S. who then sends the original and three copies to the Land Registration District affected for filing under Section 109 of the Land Titles Act.
One copy goes to the Chief Surveyor
One copy goes to the D.&C.S.
One copy goes to F.M.P. for recording in the Canada Lands Surveys Records.
With reference to the Registered plan the Province prepares an Order in Council transferring administration and control of the negotiated lands to Crown Canada for Indian Reserve purposes.
A Federal Order in Council sets those lands described in the Provincial Order in Council aside for the specific Band who chose the site thus creating a new Reserve.

SOURCE: Indian & Northern Affairs Canada

Unless common agreement is held by the Band to protect the land exchange sites for inclusion in a long term socio-economic development program, then, the existing development potential of the land exchange sites could be lost to the detriment of future generations.

Prior to the Band undertaking development upon the land exchange sites, it is proposed that site plans be completed showing the location and interrelationship of proposed development. In this way, the new reserve lands will be assured of environmentally sensitive and cost effective development. Assistance in processing such planning could fall under Schedule "E" of the Northern Flood Agreement.

6.4 SITE CONFIRMATION

While this study has identified a total of some 15,000 acres for land selection, the method of such delineation permitted only in-office and community review. Using available resource data, aerial photography and landsat imagery, land areas were determined as precisely as possible. Before final confirmation and survey of the proposed boundaries, however, on-site reconnaissance is necessary to ensure that the proposed site and proposed land use activities are compatible.

Although such individual on-site analysis is beyond the scope of this work, consideration must be given to the methods of such reconnaissance. The Band should have the opportunity of visiting each of the proposed land selection sites to determine the accuracy of the proposed boundary. Given the significance of selecting land areas for the Band's long term social, cultural and economic well-being, such efforts are necessary to ensure selection of precise boundaries which include only useable and suitable lands. Every effort has been made through resource analysis techniques to ensure that the current proposed land exchange boundaries reflect such precise considerations.

Further, the acreage of proposed lands exceeds availability. This strategy was employed in recognition of the possible need to modify some land parcel boundaries, the impreciseness of the original severance line calculations used to determine land exchange acreage and the application of a severance line for new sites falling along the hydro power system.

Notwithstanding the foregoing, it should be understood that such reconnaissance is by way of confirmation of the proposed land exchange sites rather than "another study". Given the importance placed upon land in general and land entitlement and land exchange in particular by the Bands, the need for such confirmation should be readily understood by all parties.

The actual method of confirming the proposed land selection sites must be determined. In some instances, elders and/or Chief and Council may be involved. While recognizing the difficulty of access to some interior sites, it may be necessary for each Band to appoint a Land Selection Committee composed of the Implementation Manager, elder(s) and councillor(s) to confirm each site. Equipment necessary to complete such confirmation should include helicopter or float plane and/or boat/motor for transporting at least four individuals.

6.5 DEVELOPMENT & MANAGEMENT CONSIDERATIONS

Many of the socio-economic problems of Manitoba Indian Bands have been directly related to the meagre land base currently held by the Bands. With the finalization of land exchange and hold area selection, however, the Northern Flood Committee Bands will now be in a position to expand their land base and substantially improve their socio-economic well being. In order to protect this important resource base, consideration should be given to the management implications of land exchange and hold areas.

It is imperative that adequate financial and manpower considerations be directed toward these management and planning programs so that the affected Bands can adequately deal with these additional land bases. Through close involvement of Band staff in the initial planning and management functions, the Band will be in a better position to assume greater responsibility for resource management in the future. Schedule "E" should be established in such a way as to permit such Band involvement.

6.5.1 Land Development Requirements

While this study has been able to identify specific land exchange parcels, hold areas and land uses, it has not been able to develop specific management and development programs for these parcels of land. Such work must now be undertaken presumably under Schedule "E". Such a program should focus upon the following:

1. Develop a priorization of land exchange development sites for each community by completing feasibility studies, site plans and capital development plans for land exchange sites;

2. Complete required comprehensive timber assessment programs, gravel quality studies, soil fertility studies, wild game management analysis and other appropriate studies to effectively determine precise exclusive use areas and development program opportunities;

3. Examine the hold area land use plans and determine appropriate land development programs for definition of options, feasibility and cost studies and specific land use packages; and

4. Initiate required socio-economic development programs under Schedule "E" to enable the Bands to implement a long term program of land exchange and exclusive use parcel development.

If the proposed hold areas and land exchange sites are to provide a major impetus to socio-economic self development, then, a concerted effort must be made toward addressing the implementation of the preceeding steps. While considerable natural resource capability has been defined in this study, actual resource utilization will occur only if there exists a common cause and purpose of actualization. Such will be dependent upon four party commitment to the intent of the NFA and the long term well-being of the communities. It is this step that has often proved to be the most difficult in many northern communities. Through Articles 3 and 4, however, a new opportunity exists to not only set aside valuable and significant lands for Band use, but also to establish mechanisms capable of ensuring meaningful and real long term benefits to northern people.

In addition, it is essential that a common overall socio-economic development stratagy be developed by the NFC Bands through Schedule "E" so that conflicts and market competition is avoided. Unless this mutual marketing is undertaken, Bands may find themselves attempting to market to similar clients or facing a major shortfall in demand for timber, tourism or other products generating from exchange lands or exclusive use parcels. Given that the Bands appeared to have common resource interests, some overlap in resource interest was inevitable. Therefore, the Bands should view the utilization of land and identified resources as a long term common effort. Further, where possible, agreements should be made with other Manitoba Indian Bands, which are short of the resources available in the hold areas, for purposes of exchange of goods and services. The Keewatin Tribal Council clearly offers such a mechanism. At the same time, consideration should be given to an overall development and marketing study for the NFC Band resource production effort so that resources and skills can be pooled and firmer marketing achieved.

APPENDIX "A"

TERMS OF REFERENCE

LAND EXCHANGE AND LAND USE STUDY

YORK LANDING

1. INTRODUCTION

The York Factory Band, as one of the five communities affected by the Northern Flood Agreement, is required to select Land Exchange and Hold Areas under Articles 3 and 4 of the Northern Flood Agreement. The method used to select this land is that used by the other four Bands and noted in the Northern Flood Committee's "Land Exchange and Land Use Study" (1983).

2. PROPOSED STUDY METHOD

2.1 Review Meeting

Meet with Chief and Council and Band members to review the Article 3 and 4 process and proposed method of land selection.

2.2 Study Area Definition

Review the traditional use area of the Band and map out the area within which lands should be selected.

2.3 Community Interests

Meet with Band members to determine land use activities and areas of interest.

2.4 Information Collection

Map and collect appropriate land/resource information based upon 2.3.

2.5 Information Review

Meet with Band members to review resource information and determine preference areas.

Hold a workshop to evaluate data and select alternative land exchange areas; recommend a preliminary hold area.

2.6 Proposed Land Exchange and Hold Area

Map, describe and propose the land exchange areas and hold areas which best meet community aspirations.

2.7 Submit Report

Prepare a report for York Landing which will fit into the original Land Exchange Study.

Prepare a separate report to be used as background for entitlement selection.

APPENDIX B

REFERENCES

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